PROPOSED MUNICIPAL GOVERNMENT LEGISLATION

Northwest
Territories Municipal and Community Affairs

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Summary

The proposed legislation repeals and replaces the *Charter Communities Act*, the *Cities Towns and Villages Act*, and the *Hamlets Act*.

The proposed legislation makes many changes to modernize these three statutes, to make them easier to understand and to make the rules more flexible where appropriate.

There are changes to the operation of the municipal corporation. These include:

- providing hamlets, cities, towns and villages with greater flexibility to stagger or change terms of office;
- setting out the process to be followed when it is necessary to force a disqualified council member to step down;
- allowing councils to adopt their own oaths of office;
- giving councils explicit powers to appoint youth members;
- allowing councils to establish boards or other bodies to administer programs and services;
- allowing council meetings to take place using speaker phones, videoconferencing or other electronic means;
- providing clearer direction on when meetings may be closed to the public;
- requiring agendas for regular council meetings to be available to the public 48 hours prior to each meeting;
- allowing councils to provide indemnities to members of council committees for attending meetings;
- giving a clear description of the duties of mayors, councils and council members;
- giving councils explicit powers to adopt codes of ethics;
- allowing employees of hamlets and charter communities to sit as council members in some limited circumstances;
- facilitating alternate service delivery arrangements;
- providing councils with explicit economic development powers;
- allowing municipalities to establish new services or businesses and establish or acquire shares in corporations with the approval of the Minister or the authorization of an investment plan;
- allowing delegation agreements to be made with the Government of Canada, other municipalities, and Aboriginal governments and organizations.

The rules on financial management are being changed. These include:

- new requirements for budgets and financial statements to be available to the public;
- changing the content for financial statements so that they need only comply with generally accepted accounting principles recommended for municipal governments from time to time by the Canadian Institute of Chartered Accountants;
- removing the requirement for Ministerial approval of forgiveness of debt by-laws for municipal taxing authorities;
- providing that debts of council members may not be forgiven;
- expanding the current powers to invest surplus money;
- specifying that long-term borrowing can only be done to finance capital expenses, rather than operational expense;
- allowing non tax-based communities to borrow on a long-term basis for any purpose, rather than just land development;
- budgeting for deficits;
- requiring voter approval for long-term borrowing and other long term financial commitments;
- replacing ratepayer approval with voter approval.

Bylaw making powers will be changed from a list of specific powers to setting out spheres of jurisdiction and general powers to enforce bylaws. There are new provisions for voter petitions.

There are new provisions to limit municipal liability for certain matters and activities, such as municipal facilities, services and utilities, roads, exercising discretion, inspections and maintenance and remedying contraventions of by-laws. The current personal civil liability protections for council members are extended to municipal officers, volunteer workers and board members.

Municipalities will have powers to allow them to effectively enforce their by-laws. Municipalities will have a general authority to conduct inspections and remedy contraventions. The Minister will have the ability to intervene where a municipality is in difficulty without resorting to the appointment of an administrator.

Proposed Municipal Government Legislation

1. The *Charter Communities Act*, R.S.N.W.T. 1988, c. C-4 as amended, is repealed and replaced by the *Charter Communities Act* set out in Schedule A.

2. The *Cities Towns and Villages Act*, R.S.N.W.T. 1988,c. C-8 as amended, is repealed and replaced by the *Cities Towns and Villages Act* set out in Schedule B.

3. The *Hamlets Act*, R.S.N.W.T. 1988, c.H-1 as amended, is repealed and replaced by the *Hamlets Act* set out in Schedule C.

Transitional Matters

Continuation of bylaws, resolutions, rights and obligations

4. (1) A bylaw, resolution, contract, licence, right or obligation of a municipal corporation that existed immediately before this Act came into force, continues in effect to the extent it is not inconsistent with this Act, until it expires or is terminated or repealed.

Employees

(2) A person employed by a municipal corporation immediately before this Act comes into force continues as an employee under this Act, until the employment is terminated.

Commencement

Coming into force

5. This Act shall come into force on a day or days to be fixed by the Commissioner.

SCHEDULE A

Charter Communities Act

Interpretation

Definitions
1. In this Act,

"budget" means the budget of a charter community adopted by the council under section 110;

"bylaw" means a bylaw made by a council under this or any other Act;

"bylaw officer" means a person appointed under section 155;

"charter community" means a corporation with the status of a charter community established or continued under this Act;

"city" means a city as defined in the *Cities, Towns and Villages Act*;

"Commissioner's land" means lands to which the *Commissioner's Land Act* applies;

"community charter" means the charter of a charter community described in section 13 and set out in an order establishing the charter community;

"council" means the council of a charter community;

"council member" means the mayor or a councillor;

"councillor" means a member of the council of a charter community, other than the mayor;

"debt management plan" means a plan to manage a charter community's debt adopted under section 133;

"election" means an election of a mayor or councillor conducted in accordance with *Local Authorities Elections Act*;

"election day" means the day fixed for an election;

"employee" means an employee of a charter community, including an officer;

"granular and other materials" means carving stone, clay, construction stone, diatomaceous earth, earth, flint, gravel, gypsum, limestone, marble, marl, ochre, peat, sand, shale, slate, sodium chloride, soil and volcanic ash;

"general election" means an election held to replace council members whose terms of office expire in that year;

"hamlet" means a hamlet as defined in the *Hamlets Act*;

"investment plan" means a plan to manage a charter community's investments adopted under section 145;

"land administration bylaw" means a bylaw made in accordance with section 96;

"local improvement" means a work that will have a benefit to the real property in a particular geographic area within the municipality;

"local improvement bylaw" means a bylaw made under section 134 that authorizes a local improvement;

"long-term" means a period exceeding one year;

"long-term debt" means any debt owed by the charter community with a repayment term of more than one year;

"long-term financial commitment" has the meaning set out in section 2;

"mayor" means the mayor of a charter community;

"municipal administrator" means a municipal administrator appointed under subsection 176(2);

"municipality" means the geographic area over which a charter community has jurisdiction, as described in the order establishing or continuing the charter community;

"municipal inspector" means a municipal inspector appointed under section 171 or under the *Hamlets Act* or the *Cities Towns and Villages Act*;

"municipal road" means a road in respect of which a charter community may make bylaws under section 96;

"municipal supervisor" means a municipal supervisor appointed under subsection 175(1);

"municipal taxing authority" means a municipal corporation with authority to levy property taxes under the *Property Assessment and Taxation Act*;

"officer" means the senior administrative officer or an employee appointed as an officer under section 47;

"personal property" includes an interest in personal property;

"property tax" means tax on real property levied under the *Property Assessment and Taxation Act*;

"public notice" means the giving of a notice to the general public in accordance with subsection 183(1);

"public utility" means a system or work that provides, for public consumption, benefit, convenience or use, any of the following:

(a) water or steam,
(b) sewage disposal,
(c) drainage,
(d) public transportation,
(e) fuel,
(f) electric power,
(g) heat, or
(h) waste management;

"quarry" means any work or undertaking in which granular and other materials are removed from the ground or the land by any method, and includes all ways, works, machinery, plant, buildings and premises belonging to or used in connection with the quarry;

"real property" includes an interest in real property;

"resolution" means a resolution of a council;

"securities" includes bonds, debentures, treasury bills, trust certificates, guaranteed investment certificates or receipts, certificates of deposit, deposit receipts, bills, notes and mortgages of real estate or leaseholds and rights or interests in respect of a security;

"senior administrative officer" means the senior administrative officer of a charter community appointed under subsection 46(1);

"settlement corporation" means a corporation established as a settlement corporation under the *Settlements Act*;

"short-term" means a period of one year or less;

"town" means a town as defined in the *Cities, Towns and Villages Act*;

"village" means a village as defined in the *Cities, Towns and Villages Act*;

"voter" means a person who is eligible to vote at an election.

Long-term financial commitment

2. (1) For the purposes of this Act, "long-term financial commitment" means

(a) a lease of real property with a fixed term of more than one year or a fixed term of one year or less but with a right of renewal that would, if exercised, extend the original term to more than one year;

(b) a lease of personal property with a fixed term of more than one year or a fixed term of one year or less but with a right of renewal that would, if exercised, extend the original term to more than one year; or

(c) an agreement to purchase real or personal property if payment of the purchase price under the agreement is to be made over a period exceeding 10 years.

Exception

(2) A lease or an agreement to purchase is not to be considered to be a long-term financial commitment under subsection (1) if the payments made under the lease or agreement are nominal or are not made from the general revenues of the charter community.

Purposes of a charter community

3. Charter communities are established for the following purposes:

(a) to provide good government to the residents of the municipality;

(b) to develop and maintain a safe municipality; and

(c) to provide the services, products and facilities required or allowed by this Act or considered by a council to be necessary or desirable for all or part of the municipality.

General bylaw powers

4. (1) The general legislative powers of a charter community to make bylaws are to be interpreted as giving broad authority to the council to govern the municipality in whatever way the council considers appropriate, within the jurisdiction given to a charter community under this and other Acts, and to address issues not contemplated at the time this Act is enacted.

Aboriginal rights

(2) Nothing in this Act shall be interpreted so as to affect Aboriginal rights.

PART I INCORPORATION

Establishment

Public notice of establishment of charter community

5. (1) The Minister may, on his or her own initiative or at the request of at least 25 residents who, on the date of the request, would otherwise be eligible under section 17 of the *Local Authorities Elections Act*, to vote in an election, cause public notice to be given in the area of the proposed municipality that the Minister intends to establish it a charter community in that place.

Content of public notice

(2) The public notice must state the proposed

(a) name and status of the charter community;

(b) boundaries of the municipality; and

(c) date of incorporation.

Time of notice

(3) The public notice must be given at least 90 days before the date of incorporation.

Objection to incorporation
6. (1) Any resident of the proposed municipality may, by writing to the Minister, object to the establishment of the proposed charter community.

Time of objection
(2) In order to be considered, an objection referred to in subsection (1) must be received by the Minister within 90 days after the giving of public notice of the intention to establish a charter community.

Community consultation and approval
7. (1) No charter community shall be established unless
(a) the Minister consults with the persons and groups, including any band council or other local aboriginal organization, in the proposed municipality that the Minister considers necessary; and
(b) the proposed community charter is approved by 60% of the voters in the proposed municipality who vote.

Procedure to obtain approval
(2) The approval of a community charter by the voters must be obtained in accordance with this section.

Public notice
(3) Before the vote, the Minister shall cause public notice of the content of the proposed community charter to be given.

Application of *Local Authorities Elections Act*
(4) The Minister shall, as soon as is practicable, obtain the approval of the voters in accordance with the provisions of the *Local Authorities Elections Act* respecting an election.

Powers and duties of Minister
(5) The Minister may exercise the powers and shall perform the duties of a council under the *Local Authorities Elections Act* for the purposes of the vote.

Establishment of charter community
8. (1) After giving public notice to be given of the intention to establish a charter community and considering any objection made under sections 6 and 7, the Minister, on the recommendation of the Executive Council may, by order, establish a charter community.

Content of order
(2) The order establishing a charter community must
(a) fix the name and status of the charter community;
(b) determine the boundaries of the municipality; and
(c) include the community charter.

Request to change name
9. (1) A council may request the Minister to change the name of the charter community.

Change of name
(2) If the Minister considers it to be in the public interest, the Minister, on the recommendation of the Executive Council, may, by order, change the name of a charter community and provide for any transitional matters that may be necessary.

Effect of change of name
(3) The change of name of a charter community does not affect any of its employees, bylaws, resolutions, assets, liabilities, rights, duties, obligations or functions.

Change in status to charter community
10. (1) The Minister may, on the Minister's own initiative or at the request of the council, by order,

(a) change the status of a hamlet, village, town or city to a charter community; and
(b) provide for any transitional matters that may be necessary.

Public notice
(2) At least 180 days before making an order under subsection (1), the Minister shall cause public notice to be given of the intention of the Minister to change the status of the hamlet, village, town or city to a charter community.

Application of sections 7 and 8
(3) Sections 7 and 8 apply to an order made under subsection (1).

Commencement of order and new election
(4) If the status of a city, town or village is being changed,
(a) the order takes effect on the second Monday in December following the date the order is made; and
(b) the term of office for council members ends at 12 noon on the first Monday in January following the date the order is made.

Saving provision for change in status
11. (1) The change in status of a hamlet, village, town or city does not affect any of its employees, bylaws, resolutions, assets, liabilities, rights, duties, obligations or functions.

Status of mayor and councillors
(2) When a hamlet, village, town or city changes its status to a charter community, the mayor and councillors continue in office until their successors take office.

Request to vary boundaries
12. (1) A council may request the Minister to vary the boundaries of the municipality.

Variation of boundaries
(2) If the Minister considers it to be in the public interest, the Minister, on the recommendation of the Executive Council, may, by order, vary the boundaries of a municipality and provide for any transitional matters that may be necessary.

Effect of variation of boundaries
(3) If the boundaries of a municipality are varied, all bylaws apply to the municipality as varied from the date the order made under subsection (2) takes effect.

Community Charter

Content of community charter
13. A community charter must
(a) describe the composition of the council;
(b) fix the day for elections;
(c) specify the names by which the council, the mayor and councillors are to be known;
(d) specify the length of the term of office for a council member;
(e) specify whether the terms of office for council members are staggered;
(f) specify how terms of office are to be allocated among council members if the terms of office are staggered;
(g) specify the dates when the terms of office for council members begin and end;
(h) specify the manner in which council members are to be appointed or elected; and
(i) specify which powers to pass bylaws under Part IVare to apply to the charter community.

Powers of charter community

14. A community charter may, in respect of the charter community,

- (a) vary any provision of the *Local Authorities Elections Act*, except
    - (i) sections 9 to 13,
    - (ii) sections 17 and 18, other than to increase the period of residency in paragraphs 17(c) and 18(1)(c),
    - (iii) sections 20 and 27 to 34,
    - (iv) subsection 49(3),
    - (v) sections 50, 64, 66, 67, 68, 70 and 71, and
    - (vi) Parts III to VI;
- (b) provide that all or certain specified bylaws are not effective until approved by the Minister or some other authority;
- (c) establish a procedure for removing a council member before the expiration of the term of office of the member; and
- (d) define the relationship between the council and any band council or other local aboriginal organization in or near the municipality.

Repeal of a community charter

15. (1) An order repealing a community charter is subject to the same conditions as an order establishing a charter community.

Procedure to amend a community charter

(2) The Minister may amend a community charter where

- (a) the council causes public notice of the content of the proposed amendment to be given at least 60 days before the vote conducted under paragraph (b);
- (b) the proposed amendment is voted upon in accordance with the provisions of the *Local Authorities Elections Act* respecting an election; and
- (c) the proposed amendment is approved by at least 60% of the voters in the municipality who vote.

Objection to amendment

(3) Any resident of the municipality may, by writing to the charter community and the Minister, object to the proposed amendment.

Time of objection

(4) In order to be considered, an objection referred to in subsection (3) must be received by the charter community and the Minister within 45 days after the giving of the public notice of the content of the proposed amendment.

Copy of objection to Minister

(5) The charter community shall provide the Minister with a copy of any objection it receives in respect of the proposed amendment of the community charter.

Amendment to community charter

(6) The Minister may, after considering any objection made under subsection (3) and after the proposed amendment is approved by the voters in accordance with paragraph (2)(c), by order, amend the community charter.

PART II ADMINISTRATION

Councils

Role of council

16. (1) The powers and duties of a charter community shall be exercised and performed by the council, unless otherwise provided in this Act.

Duties of council

(2) A council is responsible for

- (a) developing and evaluating the plans, policies and programs of the charter

community;
(b) making the bylaws and resolutions of the charter community; and
(c) ensuring that the powers, duties and functions of the charter community are appropriately carried out.

Performance of functions
17. A council may perform its functions by either resolution or bylaw, unless otherwise required by this Act or any other enactment.

Composition of council
18. The composition of the council and the terms of office for council members are as set out in the community charter.

Change in titles
19. A council, under paragraph 13(c), may call the mayor, deputy mayor and councillors by other names, for the purposes of the charter community.

Variation to number of council members
20. Any variation to the number of council members made by an order, under section 15, amending a community charter

(a) shall not affect the term of office of any council member in office at the time the order is made;
(b) shall apply to the next general election in respect of elected council members; and
(c) may apply before the next general election in respect of non-elected council members.

Youth members
21. (1) A council may appoint a person with the title "youth member" to sit with the council and to participate in its deliberations, for a term and on conditions that the council may decide.

Maximum age
(2) A youth member must be less than 18 years of age.

Not a council member
(3) A youth member is not a council member and may not be counted for the purpose of determining a quorum or deciding a vote of the council.

Term for municipal taxing authority
22. If a charter community is declared to be a municipal taxing authority, the term of office for council members shall end at 12 noon on the first Monday in November in the year before the year in which the term would otherwise end.

Oath of office
23. Each council member shall, before taking office, take an oath or affirmation of office in the following words or such other words as the charter community may, by bylaw, require:

I, ..., do solemnly and sincerely promise and (swear or affirm) that I will duly, faithfully and to the best of my skill and knowledge, execute the powers and trust reposed in me as a (name of office).

Ineligibility
24. (1) A council member who, after taking office, ceases to be eligible to be a candidate for his or her office shall vacate his or her office and cease to be a mayor or councillor, as the case may be.

Declaration of vacancy
(2) If a council member referred to in subsection (1) does not resign immediately, council shall, by resolution, declare that his or her office is vacant.

Judicial review

(3) Any person may, within five days after the making of a resolution under subsection (2), apply to the Supreme Court for judicial review of the declaration by originating notice in accordance with the *Rules of the Supreme Court of the Northwest Territories.*

Council Meetings

Place of business

25. A council may only hold its meetings and transact its business within the municipality, unless the council provides otherwise by resolution.

Quorum

26. (1) A quorum for a council is a majority of the number of council members who comprise the council.

Number

(2) For greater certainty, when determining a quorum, the number of council members includes the mayor and any vacancies.

Public meetings

27. (1) Subject to this section, a council shall hold its regular, special and committee meetings in public.

Exclusion from meetings

(2) A person may only be excluded from a meeting of a council or a committee of council for improper conduct.

Private meetings

(3) A council or a committee of council may, by resolution approved by at least 2/3 of the council members present, authorize its meeting to be closed to the public if it decides to discuss any of the following:

(a) commercial information that, if disclosed, would likely be prejudicial to the charter community or the persons involved;
(b) information received in confidence that, if disclosed, would be prejudicial to the charter community or the persons involved;
(c) personal information, including personal information about employees;
(d) the salary, benefits or performance record of an employee;
(e) a matter still under consideration and on which the council has not yet publicly announced a decision, if discussion in public would likely prejudice the charter community's ability to carry out its activities or negotiations;
(f) the buying or selling of property by or on behalf of the charter community;
(g) the setting of minimum tax sale prices under the *Property Assessment and Taxation Act*;
(h) the conduct of existing or anticipated legal proceedings;
(i) the conduct of an investigation under, or enforcement of, an Act or bylaw;
(j) information, the disclosure of which could prejudice public security or the maintenance of law and order; and
(k) the security of documents or premises.

Limitation on power

(4) A council has no power to make a bylaw or a resolution at a meeting that is closed to the public, other than a resolution to

(a) give instructions to the charter community's solicitors;
(b) give directions on confidential personnel issues to staff; or
(c) adjourn the closed meeting or to revert to a public meeting.

Record

(5) A council shall make a public record of any meeting that is closed to the public, noting the fact that council met in private and the date, but no other information.

Meeting by electronic means

28. (1) A council may conduct a meeting using electronic means of communication if the electronic means of communication enables the members to hear and speak to each other, and allows the public to hear the members.

Deemed presence

(2) Council members participating in a meeting in the manner referred to in subsection (1) are deemed to be present at the meeting.

Purpose

(3) Only council members who, at the time of the meeting, are outside the municipality, or physically unable to attend the meeting, may participate in the manner described in subsection (1).

First meeting of council

29. (1) The first meeting of a council following a general election must be held not later than 28 days after the election day at the time and place that the mayor designates.

Regular meetings

(2) A council shall hold at least one regular meeting each month at the time and place that the council fixes by resolution.

Public notice

30. (1) The council shall ensure that public notice of the time and place of each regular council meeting is given at least three days in advance.

Regular schedule

(2) A council may meet the requirement in subsection (1) by giving public notice of a schedule of regular meetings at least once each year.

Agenda

(3) An agenda for each regular council meeting shall be made available to the public at least three days in advance of the meeting.

Special meetings

31. (1) The senior administrative officer shall call a special council meeting if requested to do so in writing by the mayor or by two councillors.

Notice of special meeting

(2) The senior administrative officer shall, at least 48 hours in advance, give notice of the time and place of the special meeting and the nature of the business to be transacted at the special meeting.

Method of notice

(3) The notice referred to in subsection (2) must be given by

(a) making a copy of the notice available to the public; and

(b) delivering a copy of the notice to each council member or to a place designated by a council member for this purpose.

Limit on nature of business

(4) A council may not transact any business at a special meeting other than that specified in the notice of the special meeting, unless all council members are present at the special meeting and they all agree.

Emergency meeting

32. (1) A council member may call an emergency council meeting if he or she considers that an emergency exists or may exist in the municipality.

Notice of emergency meeting

(2) Notice of the time and place of an emergency meeting must be given to as many council members as is possible in the circumstances.

Quorum

(3) Those council members attending an emergency council meeting constitute a quorum.

Declaration of state of local emergency

(4) The council may, at an emergency meeting, make a declaration of a state of local emergency relating to all or any part of the municipality in accordance with the *Civil Emergency Measures Act*, and may only transact business relating to the emergency.

Waiver of notice

33. (1) If all council members are present, they may, by unanimous consent, waive notice of a meeting and hold a meeting at any time.

Restriction

(2) A resolution or bylaw may only be made at a meeting referred to in subsection (1), if all council members are present at the time that it is made.

Rules of procedure for council

34. A charter community shall, by bylaw, make rules respecting

- (a) the calling of meetings of council and its committees;
- (b) the procedure of the council;
- (c) the circumstances in which the mayor or other presiding council member may vote at meetings of council or committees of council;
- (d) the behaviour of council members and other persons present at meetings of council and its committees;
- (e) the establishment, appointment and duties of committees of council; and
- (f) the general transaction of its business.

Rules for public meetings

35. A charter community may, by bylaw, make rules respecting

- (a) the calling of public meetings by the charter community;
- (b) the procedure at the public meetings; and
- (c) the behaviour of persons at the public meetings.

Validity of resolutions and bylaws

36. (1) Subject to this Act, a resolution or bylaw is not valid unless a majority of the council members present and voting at a duly constituted meeting of council vote in favour of it.

Factors not invalidating resolution or bylaw

(2) A resolution or bylaw validly made by a duly constituted council is not invalid by reason only that

- (a) the election of a council member is invalid; or
- (b) a council member is disqualified from serving on a council.

Records

Keeping of minutes

37. (1) The senior administrative officer shall record, legibly and in writing, the minutes of the proceedings of all meetings of the council and shall certify them as correct.

Record of voting

(2) The senior administrative officer shall record in the minutes the name of each council member and how that council member voted if

- (a) a recorded vote is demanded by any council member; or
- (b) the vote requires more than a majority.

Adoption of minutes

(3) A council shall, after correcting any errors, adopt the certified record of its minutes, after which the mayor or other presiding council member shall sign them.

Public inspection of records

38. (1) The bylaws and the minutes of all meetings of a council and its committees must be open for public inspection once the bylaws are made or the minutes are adopted by the council.

Copies of records

(2) Any person may receive copies of all or any part of the bylaws or the minutes of a meeting of a council on the payment of a fee determined by bylaw.

Council Members

Duties of council members

39. The duties of a council member are

(a) to consider the welfare and interests of the residents of the municipality as a whole and to bring to council's attention anything that would promote the welfare or interests of the residents;

(b) to participate generally in developing and evaluating the policies, plans and programs of the charter community;

(c) to participate in meetings of council or meetings of council committee or other bodies to which the member is appointed by the council;

(d) to ensure that he or she is kept informed about the operation or administration of the charter community;

(e) to keep in confidence matters discussed in private at a council or council committee meeting until these matters are discussed at a meeting held in public; and

(f) to perform any other duty or function imposed on council members by this Act, any other enactment or by the council.

Code of ethics

40. A council may adopt a code of ethics for council members.

Entitlement to vote

41. (1) A councillor has one vote at a meeting of council or a committee of council.

Vote of mayor or other presiding member

(2) The council may adopt rules of procedure that limit or expand the right of the mayor or other presiding council member to vote at a meeting of council or a committee of council as follows:

(a) to vote only in order to break a tie vote among the councillors; or

(b) to have the same right to vote as a councillor.

Deemed resignation for non-attendance

42. A charter community may, by bylaw, provide that a council member who is absent from regular meetings of council, without the consent of the council, more than a certain number of times specified in the bylaw, is deemed to have resigned.

Mayor

Duties of mayor

43. (1) The mayor is the senior executive officer of the charter community and shall, in addition to the general duties of a council member,

(a) preside at all meetings of the council, other than where prohibited by a bylaw or enactment for reasons of conflict of interest or other disability;

(b) provide leadership and direction to the council;

(c) maintain order and decorum at all meetings of the council; and

(d) perform any other duty imposed on the mayor by a bylaw, this Act or any other enactment.

Membership in all committees

(2) The mayor is, by virtue of his or her office, a member of all committees of the council, and possesses all the rights, privileges, powers and duties of that membership.

Deputy mayor

44. (1) A council, on the recommendation of the mayor, may, appoint a councillor to be the deputy mayor.

Powers and duties of deputy mayor

(2) The deputy mayor

(a) shall perform the duties and may exercise the powers of the mayor when the mayor is absent or unable to act; and

(b) shall perform other duties and may exercise other powers determined by the council on the recommendation of the mayor.

Acting mayor

45. (1) When both the mayor and the deputy mayor are absent or unable to act, the council may appoint a councillor to be the acting mayor.

Powers and duties of acting mayor

(2) The acting mayor has the same powers and duties as the deputy mayor.

Officers

Senior administrative officer

46. (1) A council shall, by bylaw, appoint a senior administrative officer.

Status

(2) The senior administrative officer is an employee of the charter community.

Change in title

(3) A council may give the senior administrative officer another title for the purposes of the charter community.

Appointment and duties

47. (1) The council may, by bylaw, appoint employees to be officers and authorize them to perform

(a) any statutory duty assigned to the senior administrative officer by this Act, other than those assigned under subsection 50(2); or

(b) any other duties the council considers necessary.

Acting officers

(2) The council may appoint employees to act on behalf of any officer who is absent or unable to act.

Prohibited officers

48. (1) A council may not appoint as an officer any person who has a direct or indirect interest in a contract with the charter community.

Conflict of interest

(2) No officer shall have any direct or indirect interest in a contract with the charter community.

Dismissal for conflict of interest

(3) An officer who acquires an interest in a contract with the charter community may be dismissed without notice and without compensation.

Exceptions

(4) This section does not apply to contracts

(a) for the purchase of a residence or land on which to build a residence to be occupied by the officer or the dependants of the officer;

(b) for the supply of a utility, product or service at rates generally available to members of the public; or

(c) of employment or for benefits related to employment.

Bonding

49. (1) The following persons must be bonded in the amount, for the risks and with the surety that the council directs:

(a) the senior administrative officer;

(b) an officer performing the duties under paragraphs 51(1)(f) to (l);

(c) any other officers or employees as the council may require.

Costs of bonding

(2) The charter community shall pay the costs of the bonding required by subsection (1).

Delegation by council

50. (1) A council may delegate any of its powers, duties or functions to the senior administrative officer, other than

(a) the power or duty to make bylaws or resolutions;

(b) a function that may only be performed by bylaw;

(c) the power to appoint the deputy or acting mayor, a youth member, the auditor, the senior administrative officer, officers or bylaw officers, or to suspend or revoke those appointments.

Mandatory duties

(2) Subject to the direction of the mayor, the senior administrative officer shall

(a) supervise and direct the affairs of the charter community and its employees;

(b) implement the policies of the council;

(c) provide advice to the council;

(d) inspect and report on all municipal works as required by the council;

(e) ensure that budget is prepared in accordance with this Act;

(f) ensure that all contracts of the charter community are prepared and executed as required by the council; and

(g) perform other duties that the council may delegate or require.

Other duties

51. (1) The senior administrative officer, or other officers that council may appoint, shall

(a) have custody of the corporate seal of the charter community and cause it to be affixed to documents where required;

(b) attend all meetings of the council and accurately record all its resolutions, decisions and proceedings;

(c) prepare and have custody of the minutes and other records of the council and its committees;

(d) have custody of the original of each bylaw;

(e) provide copies of bylaws, minutes and other public documents of the charter community in accordance with this Act;

(f) ensure the safekeeping of all funds, securities and assets of the charter community;

(g) collect and receive all money belonging to or owing to the charter community;

(h) ensure that all disbursements of the funds of the charter community comply with this Act and any applicable bylaw;

(i) ensure that complete and accurate accounts are kept of all money received and disbursed on behalf of the charter community;

(j) ensure that complete and accurate accounts are kept of all assets and liabilities of the charter community and all transactions affecting the financial position of the charter community;

(k) ensure that the financial statements of the charter community are prepared annually in accordance with this Act and at further times that the council may direct; and

(l) provide the financial information respecting the charter community that the Minister may require.

Powers related to financial control

(2) An officer performing the duties specified in paragraphs (1)(f) to (l) may

(a) inspect any financial record of the charter community; and

(b) give directions to any employee in order to perform those duties.

Employees

Employees

52. (1) A charter community may employ the persons that it considers necessary to carry out its business and affairs.

Holding multiple offices or positions

(2) A charter community may, by bylaw, allow one person to hold two or more offices or positions.

Prohibited appointments

53. (1) A council member may not be appointed to a salaried office or employment in the charter community.

Employees as council members

(2) A charter community may by bylaw allow employees to be eligible for election to council, other than officers, bylaw officers, and employees responsible for financial matters.

Terms of employment

54. A charter community may, by bylaw,

(a) establish the remuneration and benefits of employees;

(b) establish hours of work and terms of employment;

(c) provide for the manner of appointment, promotion, discipline and dismissal of employees;

(d) provide retirement, death or disability benefits to employees; and

(e) on behalf of the charter community, enter into collective or other agreements with employees.

Indemnification of employees

55. A charter community may, by bylaw,

(a) provide for the indemnification of employees who are sued in connection with the performance of their duties or the conduct of the business or affairs of the charter community;

(b) establish the terms and conditions of the indemnity; and

(c) establish the risks and positions that will be covered.

Prohibition on paying fine of employee

56. No charter community may pay a fine imposed on an employee found guilty of an offence under the law of the Northwest Territories or Canada.

PART III GENERAL POWERS

Corporate Status

Corporate status, powers, etc.

57. A charter community is a body corporate and may only exercise its rights and powers in accordance with this Act.

Corporate seal

58. A charter community shall, by bylaw, adopt a corporate seal.

Contracts

Power to contract
59. (1) A charter community has the power to contract for a municipal purpose.

Procedure
(2) The procedure for the making of contracts for and on behalf of the charter community must be set out in a bylaw.

Alternate service delivery
60. (1) A charter community may, for a municipal purpose and if authorized by bylaw, enter into an agreement to allow another person to provide a service, public utility or facility on behalf of the charter community.

Provisions of service agreement
(2) For greater certainty, a charter community may, in the agreement referred to in subsection (1),

- (a) grant a person the right to provide, operate, manage, upgrade and expand a service, public utility or facility in existence at the time of the agreement;
- (b) grant a person the right to finance, construct and operate a new service, public utility or facility.
- (c) lease, sell or otherwise dispose of property owned by the charter community that is required for the purposes of providing the service, public utility or facility;
- (d) transfer any rights, responsibilities and liabilities of the charter community with respect to the service, public utility or facility; and
- (e) provide assistance to the person who is to provide the service, public utility or facility by
  - (i) making lease payments to that person;
  - (ii) making a grant to that person;
  - (iii) guaranteeing a loan made to that person;
  - (iv) making an investment in a business or real property owned by that person;
  - (v) transferring municipal property to that person for less than the market value of that property;
  - (vi) providing that person with access to or use of municipal infrastructure at a free or discounted rate;
  - (vii) granting that person property tax concessions; and
  - (viii) providing the services of employees of the charter community to that person.

Limitation
(3) An agreement containing any of the provisions referred to in paragraphs (2) (d) and (e) must be approved by the Minister or be authorized by the charter community's investment plan.

Boards and Commissions

Establishment of boards and commissions
61. (1) A charter community may, for a municipal purpose and if authorized by bylaw, establish a board or commission to administer all or part of one or more programs, services, public utilities or facilities on behalf of the charter community.

Contents of bylaw
(2) A bylaw made under subsection (1) may provide for

- (a) the powers and duties of the board or commission;
- (b) the reporting requirements of the board or commission;
- (c) the procedures of the board or commission;
- (d) the payment of a reasonable allowance for expenses necessarily incurred in the performance of a board or commission member's duties;

(e) the payment of an honorarium to board or commission members for attending meetings of the board or commission or performing any other duties;
(f) the appointment of members to the board or commission, including persons who are members by virtue of their office and persons other than the mayor or councillors;
(g) the board or commission being a corporate entity; and
(h) such other matters the council considers advisable.

Mayor

(3) The mayor is, by virtue of that office, a member of every board and commission established by the charter community.

Councillor

(4) A board or commission established by a charter community must have at least one councillor as its member.

Meetings

(5) The requirements with respect to meetings of council committees apply to meetings of boards or commissions established by a charter community, unless otherwise provided for by bylaw.

Delegation to committee, etc.

62. (1) A council may, by bylaw, delegate any of its powers, duties or functions under this or any other enactment to a committee of council or to a board or commission established by a charter community, unless this Act or the other enactment provides otherwise.

Exception

(2) A council may not delegate to a committee of council or to a board or commission established by a charter community

(a) the power or duty to make bylaws or resolutions; or
(b) a function that may only be performed by bylaw.

Delegation agreement

63. If expressly authorized in a delegation agreement, a charter community may, by bylaw,

(a) establish a board or commission to administer all or part of a program or service transferred to the charter community under a delegation agreement;
(b) provide for the board or commission to be jointly controlled by two or more parties to the agreement,
(c) define the powers and duties of the board or commission; and
(d) provide for any matters with respect to the board or commission that the parties to the delegation agreement consider advisable.

Delegation of Authority and Responsibility

Delegation by charter community

64. (1) A charter community may, by bylaw, authorize the delegation to another government or entity of the authority and responsibility for administering and delivering any service or program on behalf of the charter community.

Prohibited delegations

(2) A charter community may not delegate

(a) the power to make bylaws;
(b) the power of council to appoint the deputy or acting mayor, a youth member, the auditor, the senior administrative officer, officers or bylaw officers, or to suspend or revoke those appointments;
(c) the duty to adopt a budget; or
(d) the duty to hear objections, complaints or appeals required by this Act or any other enactment.

Capacity of delegate

(3) A charter community may only delegate to a government or entity such authorities and responsibilities as it is legally capable of receiving.

Delegation to charter community

65. (1) A charter community may, by bylaw, authorize itself to act as the delegate of another government or entity and receive the delegation of

(a) authority and responsibility for administering or delivering a service or program on behalf of the other government or entity; and

(b) the power to enact laws on behalf of the other government or entity.

Geographic scope

(2) A charter community may act as a delegate both within and outside the boundaries of the municipality, where authorized by the other government or entity.

Prohibited delegations

(3) A charter community may not act as a delegate in respect of

(a) the power to appoint the deputy or acting mayor, a youth member, the auditor, the senior administrative officer, officers or bylaw officers, or to suspend or revoke those appointments;

(b) the duty to adopt a budget; or

(c) the duty to hear objections, complaints or appeals required by this Act or any other enactment.

Funding

(4) A charter community may not act as a delegate of a government or entity if the charter community is liable for any of the costs associated with the delegation.

No sub-delegation

(5) No charter community has the authority to sub-delegate the power to administer and deliver any service or program delegated to the charter community by the delegation agreement, unless expressly authorized under the delegation agreement.

Authorized delegates

66. The following governments or entities are the only ones to which and from which a delegation may be made under sections 64 and 65:

(a) the Government of the Northwest Territories, including its departments and agencies;

(b) the Government of Canada, including its departments and agencies;

(c) a board or public body, established by an enactment of Canada, that has jurisdiction only within the Northwest Territories;

(d) a government or entity established to represent or act on behalf of an aboriginal people of Canada, including any government or entity established under a final self-government agreement or a comprehensive land claim agreement; and

(e) a charter community, city, hamlet, town, village or settlement corporation, or a board or public body established by an enactment of the Northwest Territories.

Form of delegation

67. (1) The terms and conditions of the delegation must be set out in a delegation agreement properly entered into by the charter community with the other government or entity.

Power to administer and deliver service or program

(2) A charter community has, subject to the terms and conditions of a delegation agreement, the power to administer and deliver any service or program delegated to the charter community by the delegation agreement.

Dispute resolution

(3) A delegation agreement must include a provision describing a process for the settling of disputes among the parties to the agreement.

Prior agreement

(4) An agreement similar in nature and purpose to a delegation agreement that was entered into before the coming into force of this section is deemed to be a delegation agreement entered into under this section.

Real Property

Acquisition and use of real property

68. (1) A charter community may, for a municipal purpose,

(a) purchase, lease or otherwise acquire real property;
(b) use, hold or develop real property owned by the charter community; and
(c) subdivide, in accordance with the *Planning Act*, real property owned by the charter community.

Limits on acquisition

(2) A charter community may not purchase, lease or otherwise acquire real property unless

(a) the council has made a land administration bylaw and the purchase, lease or other acquisition is made in accordance with the land administration bylaw; or
(b) the purchase, lease or other acquisition is specifically authorized or approved by a bylaw.

Land adjacent to or under water

(3) For greater certainty, a charter community may acquire fee simple title in any part of a parcel that is adjacent to or under a water body within the municipality.

Quarries

(4) For greater certainty, a charter community may restore, establish and operate a quarry on

(a) Commissioner's land in the municipality, if authorized to do so under a lease or a delegation agreement; and
(b) land owned by the charter community.

Mines and minerals

(5) For greater certainty, a charter community may not acquire, by agreement, expropriation or otherwise, the fee simple interest in any mines or minerals, other than granular and other materials.

Procedural bylaw

(6) Subject to this Act, a charter community may, by bylaw, provide for the manner and procedure for acquiring, holding, developing and disposing of real owned by the charter community.

Prohibition on disposition

69. (1) No person shall sell or dispose of any real property owned by the charter community other than in accordance with this Act and the bylaws of the charter community.

Disposition of real property

(2) A charter community may not sell, lease or otherwise dispose of real property owned by the charter community unless

(a) the council has made a land administration bylaw and the sale, lease or other disposition is made in accordance with the land administration bylaw; or
(b) the sale, lease or other disposition is specifically authorized or approved by a bylaw.

Exemption order

(3) Notwithstanding subsection (1), the Minister may, at the request of a council, by order, exempt a charter community from compliance with paragraph (2)(a) for such period of time and subject to such conditions as the Minister considers appropriate.

Personal Property

Personal property
70. A charter community may, for a municipal purpose,
(a) purchase, lease or otherwise acquire personal property; or
(b) hold or use personal property owned by the charter community.

Prohibition
71. (1) No person shall sell or dispose of any personal property owned by the charter community other than in accordance with this Act and the bylaws of the charter community.

Disposition of personal property
(2) A charter community may not sell, lease or otherwise dispose of personal property owned by the charter community unless
(a) the personal property is not required for a municipal purpose; or
(b) the disposition of the personal property is necessary for or promotes a municipal purpose.

Procedural bylaw
(3) A charter community may, by bylaw, provide procedures for the
(a) purchase, lease or other acquisition of personal property;
(b) use or holding of personal property owned by the charter community; and
(c) sale, lease or other disposition of personal property owned by the charter community.

Municipal Businesses, Services and Economic Development

Municipal services
72. (1) A charter community may, for a municipal purpose,
(a) construct, operate, repair, improve and maintain works and improvements;
(b) acquire, establish, maintain, operate and deliver services, public utilities, infrastructure and facilities;
(c) use municipal equipment, materials and labour to carry out private works on private property.

Terms of service
(2) Subject to the *Public Utilities Act*, a council exercising the powers referred to in subsection (1) must, by bylaw,
(a) set the terms and conditions in respect of users;
(b) set reasonable rates or amounts of deposits, fees and other charges;
(c) provide for charging and collecting these deposits, fees and other charges;
(d) provide for criteria when it will discontinue or disconnect service or refuse to provide service; and
(e) provide for a right of entry onto private property to determine compliance with terms and conditions of use, to determine the amount of deposits, fees or other charges, or to disconnect a service.

New services, facilities or utilities
(3) A charter community may not establish a service, facility or utility unless
(a) it obtains the approval of the Minister; or
(b) it is authorized to do so by the charter community's investment plan.

Corporations
73. (1) A council may, with the approval of the Minister or where authorized by the charter community's investment plan, establish a corporation or acquire or hold shares in a corporation for a municipal purpose.

Sole or joint holding
(2) The corporation may be established or its shares may be acquired or held

(a) solely by the charter community; or
(b) jointly with one or more parties to a delegation agreement or alternate service delivery agreement, if provided for in the agreement.

Economic development powers
74. (1) Subject to section 75, a charter community may encourage economic development for a municipal purpose, including the establishment, expansion or continuation of a business or industry in the municipality, in any manner it considers appropriate.

No loans or guarantees
(2) A charter community may not purchase shares or provide loans or guarantees to encourage economic development.

Grants
(3) For greater certainty, a charter community may provide grants to encourage economic development.

Agreements
(4) A charter community may enter into an agreement for the purposes of this section with
(a) an individual or corporation;
(b) a government or entity with which it may enter into a delegation agreement; or
(c) a municipal government outside of the Northwest Territories.

Limitation on powers
75. (1) A charter community that intends to sell products or services commercially, use municipal equipment, materials and labour to carry out private works on private property, establish a business or encourage economic development must first, by bylaw, adopt a municipal market disruption policy and a conflict of interest policy.

No adverse effect
(2) A charter community may not engage in an activity referred to in subsection (1) if it will have a serious adverse effect on one or more existing businesses in the municipality, as defined by its market disruption policy.

Market disruption policy
(3) The market disruption policy must
(a) define what constitutes a serious adverse effect on one or more existing businesses in the municipality; and
(b) establish a procedure for advising the public, including competing businesses, of any proposed activity referred to in subsection (1) and giving them an opportunity to make submissions.

PART IV LEGISLATIVE POWERS

General Powers

Authority of community charter
76. A council may make bylaws under this Part only where it is specifically authorized to do so in its community charter.

General legislative powers
77. (1) In addition to any power to make bylaws in any other Act, a charter community may make bylaws for municipal purposes respecting
(a) the safety, health and welfare of people and the protection of people and property;
(b) people, activities and things in, on or near a public place or a place that is open to the public;
(c) public nuisances, including unsightly property;
(d) transport and local transportation systems;
(e) the management, use and protection of lands, including land use planning in

accordance with the *Planning Act*;
(f) businesses, business activities and persons engaged in business;
(g) public utilities;
(h) programs, services, infrastructure and facilities provided or operated by or on behalf of the charter community;
(i) wild and domestic animals and activities in relation to them;
(j) the operation and internal management of the charter community; and
(k) the enforcement of bylaws.

Limit on power to make bylaws

(2) The power of a charter community to make bylaws is subject to all enactments of the Northwest Territories and Canada.

Conditions in specific bylaw powers

(3) The general powers to make a bylaw under this section are subject to any conditions on a power to make a specific bylaw set out elsewhere in this Act or any other enactment.

Effect of inconsistency

(4) A bylaw that is inconsistent with an enactment of the Northwest Territories or Canada, the bylaw is of no effect to the extent of the inconsistency.

Geographical limitation

78. (1) Subject to subsection (2), a bylaw applies only inside the boundaries of the municipality.

Exception

(2) If approved by the Executive Council on the recommendation of the Minister, a bylaw that serves the residents of the municipality may apply outside the boundaries of a municipality, but within the Northwest Territories, in respect of
(a) a public utility;
(b) an airport, aerodrome or facilities for them;
(c) fire protection services;
(d) ambulance services;
(e) recreation programs, services or facilities;
(f) a quarry; or
(g) a service or program delegated to the charter community under a delegation agreement.

Exercising bylaw powers

79. For greater certainty, a bylaw may
(a) regulate or prohibit activities;
(b) create offences;
(c) adopt by reference, in whole or in part and with any changes the council considers necessary or advisable, a code or standard made or recommended by the Government of the Northwest Territories, Canada, a province, another territory or a recognized technical or professional organization, and require compliance with the code or standard;
(d) deal with any activity or thing in different ways, divide each of them into classes and deal with each class in different ways;
(e) establish fees or other charges for products, programs, services, public utilities, infrastructure and facilities provided or done by the charter community or for the use of property under the ownership, direction, management or control of the charter community;
(f) provide for a system of licences, permits or approvals, including
    (i) establishing fees that may be in the nature of a reasonable tax for the activity authorized or for the purpose of raising revenue,
    (ii) establishing higher fees for non-residents,
    (iii) prohibiting any activity or thing until a licence, permit or

approval has been granted,

(iv) providing that terms and conditions may be imposed on any licence, permit or approval, and specifying the nature of the terms and conditions and who may impose them,

(v) setting out the conditions that must be met before a licence, permit or approval is granted or renewed, the nature of the conditions and who may impose them, and

(vi) providing for the duration of licences, permits and approvals and for their suspension or cancellation for a failure to comply with a term or condition or the bylaw or for any other reason specified in the bylaw,

(g) provide for a right of appeal and specify the body that is to decide the appeal and related matters, unless a right of appeal is already provided in this or any other Act;

(h) provide for procedures, including inspections, for determining whether bylaws are being complied with; and

(i) provide remedies for contraventions of bylaws.

Bylaw Procedures

Amending or repealing bylaw

80. (1) Subject to this Act, a charter community may, by bylaw, amend or repeal a bylaw.

Limit on amendment or repeal

(2) The power of a charter community to amend or repeal a bylaw is subject to the same conditions as the power to make the bylaw.

Readings of bylaws

81. (1) A bylaw must have three distinct and separate readings to be effective.

Number of readings at meeting of council

(2) No council may give more than two readings to a bylaw at any one meeting of the council unless all council members are present at the meeting and they all agree to give the bylaw third reading at that meeting.

Requirement for written bylaw

(3) A council may not give a bylaw third reading unless the bylaw is in writing.

Requirements for bylaws

82. (1) To be effective, a bylaw must be

(a) in writing;

(b) under the corporate seal of the charter community;

(c) signed by the mayor or other presiding council member; and

(d) signed by the senior administrative officer.

Effective date of bylaw

(2) Subject to this Act, a bylaw is effective on the date it meets the requirements of subsection (1) or at such later date as the bylaw may fix.

Proof

(3) A copy of a bylaw under the corporate seal of the charter community and certified by the senior administrative officer to be a true copy is admissible in evidence without further proof of validity.

Availability of copies

83. (1) The senior administrative officer shall ensure that a copy of every bylaw is available to the public as soon as possible after it receives third reading.

Transmittal of copies

(2) The senior administrative officer shall forward a copy of every bylaw to the Minister, or his or her designate, not later than 10 days after it receives third reading.

Approval of Bylaws

Time for obtaining approval

84. (1) Where, under this or any other enactment, a bylaw requires the approval of the voters, the Minister or some other authority, that approval must be obtained after the bylaw is introduced but before it receives third reading.

Evidence of approval

(2) Evidence that a bylaw has been approved by the voters, the Minister or some other authority, must be shown by

(a) the person who approved it signing the bylaw; or
(b) where a signature is not practicable, the senior administrative officer certifying on the bylaw that the approval was obtained.

Procedure for obtaining voter approval

85. (1) Approval of the voters under this Act for a bylaw must be obtained in accordance with the provisions of the *Local Authorities Elections Act* respecting an election, with such modifications as the circumstances require.

Time

(2) After the proposed bylaw is introduced, the council shall seek approval of the voters for the bylaw by holding a vote on it at the next general election or such earlier date as council decides.

Public notice

(3) At least two weeks before the date of the vote, the charter community must give public notice stating that the council is seeking the approval of the voters for proposed bylaw and describing the purpose of the bylaw.

Entitlement to vote

(4) All voters in the municipality are entitled to vote on whether to approve the proposed bylaw.

Appointment of scrutineers

(5) The mayor shall, if requested, appoint in writing a sufficient number of persons from among those who support and those who oppose the proposed bylaw to act as scrutineers at each voting station and at the final count of the ballots.

Powers and duties of scrutineers

(6) The persons appointed as scrutineers have the same powers and duties as agents of a candidate at an election.

Limit on re-submission for approval

86. If a bylaw requiring approval of the voters does not receive that approval, the charter community may not submit another bylaw having the same purpose to the voters within six months after the vote, unless the Minister allows an exception.

Approval option

87. For greater certainty, a charter community may submit any bylaw to the voters for approval, including a bylaw that was the subject of an insufficient petition.

Voter Petitions

Right to petition

88. (1) The voters in a municipality may petition the council to submit a bylaw to the voters for approval, if it is on a subject within the legislative powers of the charter community.

Requirements for a petition

(2) A petition must consist of one or more pages, each of which must contain an identical statement of the purpose of the petition, and must include, in respect of each petitioner,

(a) the printed surname and printed given names or initials of the petitioner;
(b) the petitioner's signature;
(c) a declaration that the petitioner, is to the best of his or her knowledge, an eligible voter in the municipality; and
(d) the date on which the petitioner signs the petition.

Representative's statement

(3) The petition must have attached to it a signed statement of a person stating that

(a) the person is the representative of the petitioners; and
(b) the person will respond to inquiries about the petition from the charter community.

Counting petitioners

89. (1) A petition must be filed with the senior administrative officer, who is responsible for determining if the petition is sufficient.

Cut off

(2) No name may be added to or removed from a petition after it has been filed with the senior administrative officer.

Excluding names

(3) When counting the number of petitioners on a petition, the senior administrative officer shall exclude any person

(a) whose signature appears on a page of the petition that does not have the same purpose statement contained on all the other pages of the petition;
(b) whose printed name is not included or is incorrect;
(c) whose signature is not dated;
(d) who is not an eligible voter; or
(e) who signed the petition more than 60 days before the date on which the petition was filed with the senior administrative officer.

Report on sufficiency of petition

90. (1) Within 30 days after the date on which a petition is filed, the senior administrative officer shall report to the council on whether the petition meets the requirements of this Act.

Insufficient petition

(2) If a petition does not meet the requirements of this Act, the council is not required to take any notice of it.

Action by council

91. (1) If at least 25% of the voters in the municipality have signed the petition, the council shall

(a) cause a bylaw conforming to the subject matter and intent of the petition to be prepared and read a first time;
(b) cause a copy of the bylaw to be forwarded to the Minister; and
(c) submit the bylaw to the voters for approval.

Duty to make bylaw

(2) If the bylaw referred to in subsection (1) receives approval of the voters, and the approval of the Minister where necessary, the bylaw as submitted shall be given second and third reading by the council within four weeks after the vote, without any alteration being made in the bylaw affecting its substance.

Time for holding vote

92. (1) If a petition to submit a bylaw for approval of the voters is filed with the senior administrative officer within 12 months before a general election, the charter community may direct that the vote be conducted at the general election.

Limit on petitions on same subject

(2) If approval of the voters was sought for a bylaw as a result of a petition, the charter community may refuse to receive any further petition on the same or a similar subject filed within one year after the date of the vote.

Bylaw made as a result of petition

93. A bylaw that received approval of the voters as a result of a petition may be amended or repealed only if

(a) the proposed amendment or repeal also receives approval of the voters; or

(b) at least three years have passed since the bylaw was made.

Quashing and Disallowing Bylaws and Resolutions

Application to quash

94. (1) Any person resident in the municipality or adversely affected by a resolution or bylaw may apply to the Supreme Court for an order quashing the resolution or bylaw.

Originating notice

(2) The application must be made by way of by originating notice in accordance with the *Rules of the Supreme Court of the Northwest Territories*.

Disallowance

95. The Minister, on the recommendation of the Executive Council, may disallow any bylaw for any reason within one year after the bylaw receives third reading.

Land Administration Bylaw

Land administration bylaw

96. (1) A land administration bylaw must provide for the procedures, terms and conditions for

(a) the purchase, lease or other acquisition of real property by the charter community;

(b) the use, holding or development of real property owned by the charter community; and

(c) the sale, lease or other disposition of real property owned by the charter community.

Ministerial approval

(2) A land administration bylaw must be approved by the Minister.

Public notice and hearing

(3) Before giving third reading to a land administration bylaw, the council shall

(a) give at least two weeks public notice of the proposed land administration bylaw; and

(b) hear any person claiming to be affected by the bylaw who wishes to be heard.

Transport and Transportation Systems

Authority over municipal roads

97. (1) A charter community may make bylaws only in respect of the following roads in the municipality:

(a) a road shown on a plan of survey registered under the *Land Titles Act*;

(b) a road on public land that is designed or intended for or used by the public but is not shown on a plan of survey registered under the *Land Titles Act*;

(c) a road on private land dedicated for public use by the owner by instrument in writing and adopted, by bylaw, as a municipal road;

(d) a road maintained at the expense of the charter community on a frozen body of water or watercourse; and

(e) a road outside the municipality but designated as a municipal road by order of the Minister.

Primary highway

(2) Bylaws may be made in respect of a primary highway designated under the *Public Highways Act* in accordance with an agreement made under that Act.

Incidental powers

(3) For greater certainty, a bylaw may

(a) classify municipal roads for any purpose the council considers necessary;
(b) adopt as a municipal road any road on private land dedicated for public use by the owner by instrument in writing;
(c) designate parts of municipal roads as sidewalks, curbs, medians and other component parts;
(d) provide for the naming or numbering of municipal roads and the numbering of buildings;
(e) provide for the construction of
    (i) roads on municipal land;
    (ii) roads on land expropriated for that purpose under the *Expropriation Act*; and
    (iii) works on municipal roads;
(f) provide for the repair of municipal roads and works on municipal roads;
(g) provide for the removal of snow, ice, dirt, garbage or other obstructions from municipal roads by
    (i) the charter community,
    (ii) the owner or occupier of property adjacent to the municipal road, or
    (iii) any person responsible for depositing it on the municipal road; and
(h) prohibit and provide for the removal of encroachments, obstructions and nuisances on municipal roads.

Duty to repair roads and places

98. A charter community shall keep each road and other public place that is subject to its direction, control or management, including works in, on or above the road or public place put there by the charter community or by any other person with the permission of the charter community, in a state of reasonable repair, having regard to the character of the road, place or work and the area of the municipality in which it is located.

Opening and closing roads

99. (1) A by bylaw may provide for the opening and closing of municipal roads.

Right to compensation and access

(2) A charter community may not close a municipal road if it prevents a person from entering or leaving his or her real property or residence, unless the council provides the person with reasonable compensation and another convenient means of access.

Temporary closure

(3) A charter community may, by resolution, temporarily close a municipal road for a fixed period of time.

Notice of closure

(4) Where a charter community temporarily closes a municipal road, it shall

(a) cause signs or signal devices to be erected to warn traffic of the closure;
(b) give public notice of the closure; and
(c) provide any person who would be prevented from entering or leaving his or her real property or residence with other convenient means of access.

Public notice and hearing

100. Before giving third reading to a bylaw that will open, establish, close, widen, divert or dispose of a municipal road, the council shall

(a) give public notice of the proposed bylaw at least two weeks in advance; and
(b) hear any person claiming to be affected by the bylaw who wishes to be heard.

Operation of airports
101. (1) A charter community may, under a licence and agreement referred to in subsection (2), make bylaws
(a) respecting the operation of airports or aerodromes and facilities for them; and
(b) respecting other matters that are necessary to implement or operate the agreement or arising as a result of the agreement.

Airport licence
(2) A bylaw referred to in subsection (1) may only be made under the authority of
(a) one or more licences issued under the *Aeronautics Act* (Canada); and
(b) an agreement with the owner of the airport or aerodrome.

Municipal Services

Establishment and regulation of systems
102. (1) A bylaw may
(a) establish a water distribution system for the supply of water for drinking and other purposes in the municipality;
(b) establish a sewage system to collect, convey and dispose of sewage;
(c) establish a drainage system to collect, convey and dispose of surface and other waters;
(d) regulate the design and installation of a water distribution system or a sewage or drainage system owned or operated by persons other than the charter community;
(e) regulate the operation, maintenance and alteration of a water distribution system or a sewage or drainage system established or acquired by the charter community; and
(f) prohibit or regulate the discharge of substances and liquids into a water distribution system or a sewage or drainage system.

Source of funding
(2) A bylaw made under subsection (1) must state the sources of funding for all costs that will be incurred by the charter community as a result of the bylaw.

Mandatory connection to system
103. (1) A bylaw may require the owners of real property to connect their buildings and structures to a water distribution system or a sewage or drainage system in the municipality in the manner required by the bylaw.

Costs of connection
(2) A bylaw may impose a charge on the owner of real property for the costs incurred by the charter community in providing a connection between a water distribution system or a sewage or drainage system and the edge of the real property to be served.

Municipal services agreements
104. A charter community may enter into a municipal services agreement to provide public utilities or services to persons outside the municipality.

Utility Franchises

Grant of franchises
105. (1) A bylaw may grant a franchise to a person and authorize the person to provide public utilities to persons in the municipality.

Terms and conditions

(2) A franchise may be exclusive or not and may be granted on the terms and conditions that the council considers necessary or advisable.

Incidental powers

(3) A franchise may authorize the person providing the public utility to construct, operate or remove poles, wires, conduits, buildings, structures or vehicles on municipal roads or in public places.

Voter approval

(4) Unless exempted under subsection (5), a bylaw made under this section must receive approval of the voters.

Exemption from voter approval

(5) The Minister may, by order at the request of a council, exempt a bylaw made under this section from the need for approval of the voters.

Term

106. (1) A charter community may not grant a franchise for a term exceeding 20 years.

Renewal

(2) A charter community may, from time to time, by bylaw, renew the term of a franchise for further terms not exceeding 10 years each.

Action on expiration of franchise

(3) If a franchise is not renewed, a charter community may, with the approval of the Minister, purchase any or all of the rights under the franchise and any or all property used in connection with the franchise on terms agreed upon by the parties or, failing agreement, on terms determined by a sole arbitrator under the *Arbitration Act*.

Limitations on Powers

Prohibition on exemptions

107. Unless specifically authorized by an enactment, no charter community may grant a specific person an exemption from

(a) any tax, rate, rent or other charge payable to the charter community; or
(b) the application of a bylaw.

Limit on powers after election day

108. (1) During the period commencing on election day and ending on the day the term of new council members begins, no council or council member may

(a) make a bylaw or resolution that will result, directly or indirectly, in an expenditure not set out in the budget for the current fiscal year;
(b) enter into a contract or obligation on behalf of the charter community; or
(c) appoint or dismiss any officer.

Exception

(2) Notwithstanding subsection (1), a council or council member may do those things referred to in that subsection if

(a) it is in the public interest and is urgently required; or
(b) it is authorized by a bylaw made before the election day.

PART V FINANCIAL AFFAIRS

Budgets

Fiscal year

109. The fiscal year for a charter community is

(a) the period commencing on April 1 and ending on March 31 in the following year; or

(b) the calendar year, if the charter community is a municipal taxing authority.

Adoption of budget

110. (1) A council shall, by resolution, before each fiscal year, adopt a budget for the fiscal year.

Content of budget

(2) The budget must include estimates of

(a) all expenditures to be incurred by the charter community, including
  (i) payments in respect of debts,
  (ii) operating expenditures,
  (iii) capital expenditures, and
  (iv) grants;
(b) all revenues to be received by the charter community, including
  (i) charges for municipal services, and
  (ii) grants and contributions; and
(c) any sum required to meet a deficit of the charter community, if any, in the preceding fiscal year.

Budget of municipal taxing authority

(3) The budget of a municipal taxing authority must include estimates of

(a) property taxes to be received by the charter community; and
(b) all school taxes that may be collected by the charter community and forwarded under the *Property Assessment and Taxation Act* or the *Education Act*.

Guidelines

(4) The charter community must follow any guidelines issued by the Minister regarding the form and content of budgets.

Public access to budgets

111. (1) A charter community shall make a copy of the current budget available to the public.

Forwarding copy of budget

(2) A council shall ensure that a copy of the budget is forwarded to the Minister or his or her designate.

Surplus

112. (1) A charter community may save any surplus at the end of a fiscal year for use in future fiscal years.

Deficit

(2) A charter community shall eliminate any deficit at the end of a fiscal year by the end of the next fiscal year, unless the deficit is authorized by its debt management plan.

Expenditures and Disbursements

Expenditure control

113. (1) No person shall, on behalf of the charter community, incur an expenditure that is not included in, or is inconsistent with, the budget for the fiscal year.

Exception

(2) A person may incur an expenditure on behalf of the charter community, notwithstanding that the council has not yet adopted a budget or the expenditure is not included or is inconsistent with the budget, if

(a) the charter community is legally obligated to incur the expenditure; or
(b) the council has expressly authorized the expenditure by resolution.

Use of borrowed money

114. No person shall expend any money borrowed or acquired under any long-term debt entered into by a charter community, for a purpose other than those set out in the bylaw authorizing the long-term debt.

Deposit of money

115. (1) The senior administrative officer shall ensure that all money received by or on behalf of the charter community is deposited to the credit of the charter community in accounts in financial institutions designated by the council.

Disbursements

(2) A disbursement of money owned by the charter community must be made by a cheque or other negotiable instrument that is

(a) drawn on or made from an account referred to in subsection (1);
(b) signed or authorized by the mayor or a councillor designated by the council; and
(c) signed or authorized by the senior administrative officer.

Reproduction of signatures

(3) The signature of any person referred to in paragraph (2)(b) or (c) may, if authorized by bylaw, be engraved, lithographed, printed or mechanically reproduced for the purpose of issuing cheques.

Petty cash funds and imprest bank accounts

(4) Notwithstanding subsection (2), a charter community may authorize the establishment and use of petty cash funds and imprest bank accounts.

General municipal fund

116. (1) A charter community must have a general municipal fund to record all transactions and balances related to the general operations of the charter community.

Other funds

(2) In addition to the general municipal fund, one or more other funds may be established by bylaw for the purpose of carrying on specific activities or achieving specific objectives.

Matters relating to other funds

(3) A charter community shall, by bylaw, in respect of each fund established under subsection (2),

(a) designate the name of the fund;
(b) describe the purpose of the fund;
(c) describe what the fund will be composed of;
(d) describe the specific purposes of any reserves that will be created under the fund; and
(e) make such rules governing the operation of the fund as the council considers necessary or advisable.

Reserves

117. (1) A council may segregate portions of a fund established under subsection 116(2) as reserves for specific future purposes.

Matters relating to reserves

(2) A council shall, in respect of each reserve created under subsection (1),

(a) designate the name of the reserve;
(b) describe what the reserve will be composed of; and
(c) make such rules governing the operation of the reserve as the council considers necessary or advisable.

Indemnities and allowances to council members

118. (1) Payments for the following matters may only be made pursuant to a bylaw that is made with the approval of the Minister:

(a) an annual indemnity to the mayor;
(b) an annual indemnity to the councillors;
(c) an honorarium to council members for attending meetings of council or committees of council or for performing any other duties;
(d) a reasonable allowance for expenses necessarily incurred in the performance of a council member's duties; and

(e) a retirement, death or disability benefit to the mayor and councillors.

Public notice

(2) Before giving third reading to a bylaw under subsection (1), the council shall give two weeks public notice of the proposed bylaw.

Financial Statements

Preparation of financial statements

119. (1) The senior administrative officer shall ensure that the financial statements of the charter community are prepared for each fiscal year.

Requirements of financial statements

(2) The financial statements must be prepared

(a) in accordance with an appropriate disclosed basis of accounting;
(b) on a basis consistent with that of the preceding fiscal year or on another disclosed basis;
(c) in accordance with the generally accepted accounting principles recommended for municipal governments from time to time by the Canadian Institute of Chartered Accountants; and
(d) in accordance with any supplementary standards or any modifications of the principles referred to in paragraph (c) set out in guidelines issued by the Minister.

Content of financial statements

(3) The financial statements must include a statement showing the amount of compensation, expenses and any other payment made to each council member, or to each member of a committee of council, in sufficient detail that the type of each payment and the total amount of payments made to or on behalf of each member can be determined.

Time of submission

(4) The financial statements must be submitted to the Minister no later than 120 days after the end of the fiscal year.

Auditor

120. (1) A council shall appoint an auditor for the charter community.

Qualifications

(2) The auditor must be a person entitled to practice as an accountant under

(a) the *Institute of Chartered Accountants Act*;
(b) the *Certified General Accountants Association Act*; or
(c) the *Society of Management Accountants Act*.

Disqualifications

(3) No person may be appointed as an auditor if, at the time of appointment or during the current or preceding fiscal year, the person or an employee or partner of the person was a council member or an officer of the charter community.

Notice of appointment

(4) A charter community shall give written notice to the Minister of the appointment or revocation of an auditor, within 30 days after the appointment or revocation.

Compulsory revocation of appointment

(5) The Minister may, by written notice, require a council to revoke the appointment of an auditor if, in the opinion of the Minister, the auditor

(a) is incapable of, or unable to, satisfactorily performing the duties of auditor; or
(b) has failed to satisfactorily carry out his or her duties under this Act.

Report of auditor

121. (1) An auditor shall report annually to the council on the results of his or her examination of the accounts and financial statements of the charter community and shall

- (a) state whether, in his or her opinion,
  - (i) the financial statements present fairly the financial position as at the end of the fiscal year and the results of the operations and the changes in financial positions for that fiscal year, in accordance with an appropriate disclosed basis of accounting consistently applied,
  - (ii) proper books of account have been kept and the financial statements are in agreement with the books of account, and
  - (iii) the transactions that have come under his or her notice are in accordance with this Act and the regulations, and the bylaws of the charter community; and
- (b) report on any other matter falling within the scope of his or her examination that, in his or her opinion, should be commented on.

Powers of auditor

(2) An auditor may require any council member or any employee

- (a) to produce all records kept in respect of the administration of the charter community; and
- (b) to provide such information and explanations as the auditor considers necessary.

Place of audit

(3) An auditor must conduct the audit in the municipality, unless he or she obtains the permission of the council or a judge of the Supreme Court to conduct it elsewhere.

Public access to financial statements

122. A copy of the charter community's financial statements and auditor's reports must be made available to the public.

Borrowing Money

Procedure

123. (1) Notwithstanding any other enactment, a charter community may only borrow money in accordance with this Act.

Municipal purpose

(2) A charter community may only borrow money for a municipal purpose.

Other purposes

(3) For greater certainty, the borrowing of money by a charter community authorized under another enactment, including the *Northwest Territories Housing Corporation Act*, shall be considered a municipal purpose.

Other requirements

(4) A charter community that borrows money under the authority of another enactment must, in addition to the requirements of this Act, comply with the provisions governing borrowing of that enactment.

Borrowing limits

124. (1) A charter community may not borrow money that exceeds the limits for short-term or long-term borrowing established by the regulations.

Bylaw

(2) All borrowing of money by a charter community must be authorized by a bylaw that provides for those administrative matters in respect of the borrowing that the council considers necessary or advisable.

Short-term borrowing

125. (1) A charter community may borrow money for a short-term period if the amounts are used to meet expenditures lawfully authorized to be incurred during the fiscal year but which cannot be met from current revenues.

Form of borrowing

(2) The short-term borrowing of money under subsection (1) may be entered into by way of overdraft, line of credit, temporary loan, unsecured note or other arrangement.

Long-Term Debt

Long-term borrowing

126. (1) A charter community may borrow money for a long-term period only for capital purposes.

Possible lenders

(2) A charter community may borrow money for a long-term period only from a prescribed lender or a lender who is a member of a prescribed class of lenders.

Bylaw needed

127. (1) A charter community may borrow money on a long-term basis only if the long-term debt to be created is specifically authorized by a bylaw.

Content of long-term debt bylaw

(2) A bylaw authorizing a long-term debt must

- (a) set out the principal amount to be borrowed;
- (b) set out the specific purpose for which the money is being borrowed;
- (c) set out the maximum term of any security or debt instrument to be issued or entered into in respect of the proposed long-term debt; and
- (d) authorize the creation of the proposed long-term debt and the issue or entering into of securities or debt instruments in amounts not exceeding in total the amount to be borrowed.

Administrative matters

(3) A bylaw authorizing a long-term debt may provide for

- (a) resetting the payment rate, interest rate or financing costs, from time to time; and
- (b) such administrative matters in respect of the proposed long-term debt as the council considers necessary or advisable.

Information to Minister

(4) Before the charter community enters into any long-term debt, the senior administrative officer shall forward to the Minister

- (a) a copy of any proposed security or debt instrument in respect of the long-term debt; and
- (a) a description of the sources of revenues that the charter community proposes to use to make the required payments under the long-term debt.

Approvals

128. (1) Subject to this section, no long-term debt has effect unless the bylaw specifically authorizing it is approved by the voters and the Minister.

Exemptions from voter approval

(2) A bylaw authorizing a long-term debt does not require approval of the voters if

- (a) the Minister orders that it be exempt from voter approval in accordance with criteria established by the regulations; or
- (b) the amount of the proposed long-term debt is below the prescribed limit.

Exemption from Ministerial approval

(3) A bylaw authorizing a long-term debt does not require the approval of the Minister if
(a) the proposed long-term debt is authorized by the charter community's debt management plan; or
(b) the proposed long-term debt is to be used to refinance or consolidate one or more existing long-term debts.

Refinancing exemption

(4) A bylaw authorizing a long-term debt is exempt from approval of the voters or Minister if
(a) the long-term debt is to be used to refinance an existing long-term debt that was itself exempt from that approval;
(b) the principal amount to be borrowed does not exceed the principal amount borrowed under the long-term debt being refinanced;
(c) the term of any security or debt instrument to be issued or entered into does not exceed the term of those being refinanced; and
(d) the total amount of principal and interest payable does not exceed the amount of principal and interest that was payable over the term of the long-term debt being refinanced.

Securities and debt instruments

129. (1) Any security or debt instrument issued or entered into by a charter community in respect of a long-term debt must be
(a) issued or entered into in accordance with a bylaw;
(b) signed by the mayor or by a councillor designated by the council;
(c) signed by the senior administrative officer; and
(d) issued or entered into under the corporate seal of the charter community.

Evidence

(2) The Minister may, if satisfied that the requirements of this Act have been met, provide a letter to the charter community certifying that a security or debt instrument respecting a long-term debt was properly issued or entered into and, in the absence of evidence to the contrary, that letter is proof that the security or debt instrument was issued or entered into in accordance with this Act.

Validity

(3) The validity of the security or debt instrument certified by the Minister under subsection (2) shall not be questioned by any court and is, to the extent of the revenues of the charter community, a good and indefeasible security or instrument in the hands of any person holding it in good faith.

Term of long-term debt

130. (1) If a long-term debt is being created by a charter community to acquire or use an asset
(a) the term of the long-term debt must be no greater than the expected life of the asset; and
(b) the entire cost of the asset must be paid out over the term of the long-term debt, unless otherwise authorized by bylaw.

Repayment of unexpended money

(2) A charter community must repay the unexpended balance of any long-term debt with the Government of the Northwest Territories within 60 days after the purposes for which the money was borrowed were achieved.

Repayment of borrowed money

(3) A charter community must repay any money it borrowed from the Government of the Northwest Territories for a long-term period in accordance with the repayment terms established by the Government of the Northwest Territories at the time of borrowing.

Long-term financial commitments

131. A charter community may enter into a long term financial commitment in the same manner and subject to the same conditions as a long-term debt and the provisions of this Act respecting long-term debt apply to long-term financial commitments with such modifications as the circumstances require.

Regulations
132. (1) The Commissioner, on the recommendation of the Minister, may make regulations

(a) prescribing the maximum amounts that a charter community may borrow on a short-term or long-term basis;
(b) requiring additional conditions before a long-term debt or long-term financial commitment is entered into by a charter community; and
(c) establishing criteria for exempting a long-term debt or long-term financial commitment from approval of the voters.

Specific regulation
(2) A regulation made under this section may be specific to, or distinguish among, one or more different charter communities.

Debt Management Plans

Debt management plan
133. (1) A charter community may, by bylaw with the approval of the Minister, adopt a plan to responsibly manage the charter community's debt.

Term of plan
(2) A debt management plan may not have a term exceeding five years.

Contents of plan
(3) A debt management plan must include the prescribed information.

Review
(4) A council shall review the charter community's debt management plan not less than once every five years.

Public access
(5) A copy of the charter community's debt management plan must be made available to the public.

Local Improvements

Undertaking local improvements
134. (1) A charter community may only undertake a local improvement if it is authorized by a bylaw.

Contents of bylaw
(2) A bylaw authorizing a local improvement must set out

(a) the nature of the local improvement;
(b) which parcels of real property the council considers will principally benefit from the local improvement;
(c) the total estimated costs of the local improvement and the nature of those costs;
(d) the proportion of the costs that would be financed by
    (i) a local improvement charge levied against the real property principally benefiting from the local improvement,
    (ii) general revenues of the charter community, and
    (iii) any short-term debt and long-term debt;
(e) the total estimated amount of the local improvement charges to be levied;
(f) the period over which the local improvement charges would be payable; and
(g) the conditions on which the local improvement charges, in respect of a parcel of real property, could be paid in a lump sum.

Public hearing and notice
135. (1) Before second reading of a local improvement bylaw, a council shall

(a) hold a public hearing on the local improvement bylaw;

(b) give at least 14 days public notice of the purpose, date, time and place of the hearing; and

(c) ensure that notice of intent to make the local improvement bylaw is sent to every person who would be required to pay any local improvement charges.

Content of notice

(2) The notice of intent referred to in paragraph (1)(c) must be in writing and include

(a) a description of the local improvement;

(b) an estimate of its costs;

(c) an estimate of the local improvement charges; and

(d) a description of the options for payment of the local improvement charges.

Consent of affected persons

136. (1) Before third reading of a local improvement bylaw, a charter community must obtain written consent to the making of the local improvement bylaw from at least 60% of the persons who would be required to pay the local improvement charges.

Majority value

(2) For the consent to be sufficient, the persons referred to in subsection (1) must represent at least 50% of the assessed value of all real property in respect of which the local improvement charges will be levied.

Certification of consent

(3) The senior administrative officer shall certify to the council whether the consent required by this section has been obtained.

Exemption from voter approval

137. (1) A long-term debt created for the purpose of financing a local improvement does not require approval of the voters if

(a) the costs of the long-term debt are completely financed by local improvement charges; and

(b) the local improvement bylaw receives the consent of the persons who would be required to pay local improvement charges in accordance with section 136.

Approval of Minister

(2) For greater certainty, a long-term debt created for the purpose of financing a local improvement requires the approval of the Minister, unless otherwise exempt from that approval under section 128.

Levy of local improvement charges

138. (1) After a local improvement is complete, a charter community may, by bylaw,

(a) establish the method for assessing the amount of the local improvement charge;

(b) establish the amount and manner of payment of the local improvement charges; and

(c) authorize the levy of a local improvement charge against the real property that, in the opinion of the council, principally benefits from the local improvement.

Use of local improvement charges

(2) A charter community shall use local improvement charges only for the purpose of financing a local improvement.

Other source of financing

(3) A charter community may finance a portion of the costs of a local improvement from the general revenue of the charter community.

Forgiveness of Debts

Bylaw requirement

139. (1) A charter community may only forgive a debt if the forgiveness is specifically authorized by a bylaw.

Contents of bylaw

(2) A bylaw that forgives a debt owed to the charter community must set out

(a) the name of the debtor;
(b) the date the debt was incurred;
(c) the nature of the debt;
(d) the amount of the debt; and
(e) the reason for the forgiveness.

Conditions

(3) A charter community may only forgive a debt owed to it, in whole or in part, if

(a) the council is satisfied that the debt is not collectable or there are other reasons justifying the forgiveness of the debt;
(b) in the case of a charter community that is not a municipal taxing authority, the bylaw is approved by the Minister; and
(c) in the case of a debt in respect of property taxes, the bylaw is approved by the Minister and no special lien attaches against land for non-payment of the property taxes.

Public notice

(4) Before giving a bylaw that forgives a debt third reading, the council shall give at least 30 days public notice of the bylaw.

Effect of forgiveness

(5) Once a debt owed to the charter community is forgiven in accordance with this section, the obligation to pay it ceases.

Grants

Grants

140. (1) A charter community may make a grant only by a resolution of the council for a purpose that the council considers will benefit residents of the municipality.

Maximum amount

(2) The total amount of all grants made by a charter community in a fiscal year may not exceed 2% of the total expenditures of the charter community as set out in its budget.

Public notice

(3) Before making a grant to any person or group not resident in the municipality, the council shall first give at least 14 days public notice of the grant.

Loans and Guarantees

Loans and guarantees bylaws

141. A charter community may only lend money or guarantee the repayment of a loan if it is authorized by

(a) a bylaw made with the approval of the Minister; and
(b) a delegation agreement or alternate service delivery agreement.

Recipients of loans

142. (1) A charter community may only lend money to

(a) a charter community, hamlet, village, town, city or settlement corporation within the Northwest Territories; or
(b) a board, commission or corporation jointly controlled by one or more charter communities, hamlets, villages, towns, cities or settlement corporations within the Northwest Territories.

Contents of loan bylaw

(2) A bylaw authorizing a loan must set out

(a) the principal amount of money to be lent;
(b) the purpose for which the money is to be used;
(c) the minimum rate of interest on the loan;
(d) the term of the loan;
(e) the terms of repayment of the loan; and
(f) the source or sources of the money to be lent.

Recipients of guarantees

143. (1) A charter community may only guarantee the repayment of a loan that is made to

(a) a charter community, hamlet, village, town, city or settlement corporation within the Northwest Territories; or
(b) a board, commission or corporation jointly controlled by one or more charter communities, hamlets, villages, towns, cities or settlement corporations within the Northwest Territories.

Contents of guarantee bylaw

(2) A bylaw authorizing a guarantee shall set out

(a) the amount of money to be borrowed under the loan to be guaranteed;
(b) the purpose for which the money is borrowed;
(c) the rate of interest under the loan or how the rate of interest is calculated, the term and the terms of repayment of the loan; and
(d) the source of the money that would be used to pay any principal and interest owing under the guarantee.

Investments

Authorized investments

144. (1) A senior administrative officer may, if authorized by the council, invest surplus money belonging to the charter community in

(a) securities issued or guaranteed by
  (i) the Government of Canada or an agency of the Government of Canada, or
  (ii) the government of a province or territory or an agency of the government of a province or territory;
(b) securities the payment of which is a charge on the Consolidated Revenue Fund of the Government of Canada, a province or territory;
(c) securities of a municipal government in Canada;
(d) securities of a Canadian municipal participation corporation;
(e) securities issued or guaranteed by a bank, credit union or trust corporation;
(f) securities that are insured by the *Canada Deposit Insurance Corporation Act*;
(g) investments authorized by the Minister by regulation; and
(h) units in pooled funds of any of the investments described in paragraphs (a) to (g).

Pooled funds

(2) A charter community may, if authorized by a delegation agreement, form a pooled investment fund with a charter community, city, hamlet, town or village or any other prescribed entity.

Authorized investments

(3) The money in a pooled investment fund may be used only to make investments authorized under subsection (1).

Investment plan

145. (1) A charter community may, by bylaw, adopt a plan to manage its investments and surplus.

Approval

(2) The bylaw adopting an investment plan must receive the approval of the Minister.

Term

(3) A charter community's investment plan may not have a term exceeding five years.

Contents of plan

(4) A charter community's investment plan must include the prescribed information.

Public access

(5) A copy of the charter community's investment plan must be made available to the public.

Location of investments

146. (1) A charter community may invest in projects outside the municipality, if the investment is approved by the Minister or authorized by the charter community's investment plan.

Regulations

(2) The Commissioner in Executive Council may make regulations

(a) prescribing standards and guidelines for investments made by a charter community; and

(b) governing the content, term and approval process for a charter community's investment plan.

Public Hearing

Public hearing

147. (1) A council shall hold a public hearing before making a local improvement bylaw or a bylaw to adopt an investment plan or a debt management plan.

Public notice

(2) After giving first reading to a proposed bylaw to adopt a investment plan or a debt management plan, and before giving it second reading, a council shall give public notice of

(a) the purpose of the bylaw;

(b) the place or places where a copy of the proposed bylaw and the plan may be inspected by the public;

(c) the time and place at which the council will hold a public hearing on the proposed bylaw; and

(d) any procedural requirements for submissions.

Availability of proposed bylaw and plan

(3) A copy of the proposed bylaw and plan must be made available to the public.

Submissions

(4) Before giving public notice under subsection (2), a council may establish the procedure to be followed by persons who wish to submit representations to the council concerning the bylaw, including

(a) requiring the submission of written representations to the council prior to the public hearing; and

(b) regulating the presentation of oral submissions at the public hearing.

Deadline for hearing

(5) The public hearing must be held not be less than 10 days after the giving of public notice.

Hearing

(6) A council shall hold a public hearing at the time and place stated in the public notice, and at the hearing shall hear

(a) any person or group who wishes to make representations concerning the proposed bylaw; and

(b) any designate of the Minister.

Multiple hearings

(7) A council may hold more than one public hearing, if public notice is given of the time and place of each public hearing.

PART VI LIABILITY AND ENFORCEMENT

Limitations on Liability

Protection for council members

148. (1) Subject to the *Conflict of Interest Act* and excluding anything said or brought with malicious intent, no council member is liable to any civil action, prosecution, arrest, imprisonment or damages by reason of

(a) anything said by the council member in a meeting of council or a committee of council; or

(b) anything brought before council or a committee of council by the council member.

Protection from liability

(2) Subject to the *Conflict of Interest Act*, the following persons are not personally liable for loss or damage by reason of anything said or done or omitted to be done in the performance or intended performance of his or her functions, duties or powers under this Act:

(a) a council member;

(b) a member of a committee of council;

(c) a member of a board, commission or other body established by the charter community under this Act;

(d) an officer;

(e) a volunteer member of a fire, ambulance or emergency measures organization established by the charter community;

(f) a volunteer delivering a service on behalf of the charter community under the supervision of an employee of the charter community.

Exemption

(3) Subsection (2) is not a defence where

(a) the cause of action is defamation; or

(b) the person was dishonest, grossly negligent or guilty of wilful misconduct.

Liability of charter community

(4) This section does not affect the legal liability of the charter community.

Liability for acting in accordance with statutory authority

149. (1) Subject to this Act and any other enactment, a charter community is not liable for loss or damage caused by any thing done or not done by the charter community in accordance with the authority of this Act or any other enactment, unless the cause of action is negligence or any other tort.

Non-negligence actions

(2) A charter community is not liable in an action based on nuisance, or on any other tort that does not require a finding of intention or negligence, for any loss or damage arising, directly or indirectly, from roads, dikes, ditches or dams or from the operation or non-operation of a public utility.

Exercise of discretion

(3) A charter community with discretion to do something is not liable for exercising, in good faith, its discretion not to do it.

Inspections and maintenance

(4) A charter community is not liable for loss or damage caused by

(a) an inspection or maintenance system;

(b) the manner of performing inspections or maintenance; or

(c) the frequency, infrequency or absence of inspections or maintenance.

Remedying the contravention of bylaws

150. A charter community is not liable for loss or damage caused by it in remedying, or attempting to remedy, a contravention of a bylaw, unless the charter community is grossly negligent.

Snow on roads

151. (1) A charter community is not liable for loss or damage caused by snow, ice or slush on roads or sidewalks in the municipality, unless the charter community is grossly negligent.

Things on or adjacent to roads

(2) A charter community is not liable for loss or damage caused

(a) by the presence, absence or type of any wall, fence, guardrail, railing, curb, pavement markings, traffic control device, illumination device or barrier adjacent to or in, along or on a road, or

(b) by or on account of any construction, obstruction or erection or any situation, arrangement or disposition of any earth, rock, tree or other material or thing adjacent to or in, along or on a road that is not on the travelled portion of the road.

Liability for disrepair

152. (1) A charter community is liable for loss and damage caused by the charter community failing to perform its duty under subsection 98if the charter community knew or should have known of the state of disrepair.

Other roads

(2) This section does not apply to any road made or laid out by a private person or any work made to or done on a road or place by a private person until the road or place is subject to the direction, control and management of the charter community.

Other persons

(3) A charter community is not liable under this section in respect of acts done or omitted to be done by persons exercising powers or authorities conferred on them by law if the charter community had no control over those persons and is not a party to those acts or omissions.

Exclusions

(4) A charter community is not liable under this section if

(a) the charter community proves that it took reasonable steps to prevent the disrepair from arising; or

(b) the loss or damage suffered by the claimant is the same as that suffered by all other persons affected by the state of disrepair.

Traffic control devices

(5) If the loss or damage was caused by the removal, destruction or defacement of a traffic control device by someone other than an employee or agent of the charter community, the charter community is liable under this section only if it

(a) had actual notice of the defacement, removal or destruction; and

(b) failed to restore, repair or replace the traffic control device in a reasonable period of time.

Notice without delay

153. (1) A person who brings an action referred to in sections 151 and 152 must notify the charter community of the event that gives rise to the action within 30 days after the occurrence of the event or within such longer period of time as the charter community may establish by bylaw.

Exception

(2) Failure to notify the charter community within the time required by subsection (1) bars the action unless

(a) there is a reasonable excuse for the lack of notice and the charter community is not prejudiced by the lack of notice;

(b) the loss or damage complained of is the death of a person; or

(c) the charter community waives, in writing, the requirement for notice.

Limitation period
154. An action referred to in sections 151 and 152 may not be commenced later than two years after the loss or the damage was sustained.

Enforcement

Bylaw officers
155. (1) A council may appoint bylaw officers to enforce any or all of its bylaws and establish their specific duties.

Duty to enforce bylaws appointed to enforce
(2) A bylaw officer shall enforce those bylaws of the charter community that he or she is appointed to enforce under subsection (1).

Duty to enforce other Acts
(3) A bylaw officer is an officer as defined in the *Motor Vehicles Act* and shall enforce that Act and the *All-terrain Vehicles Act*.

Municipal prosecutions
156. A bylaw officer may represent the charter community before a justice of the peace in the prosecution of a person charged with an offence under a bylaw.

Property Entry and Inspections

Inspections
157. A charter community may, by bylaw, provide for the inspection of buildings, structures and excavations to ensure compliance with its bylaws.

Notice of certain bylaws
158. A council may not give third reading to a bylaw that authorizes the entry into or use of real property without the consent of its owner or occupier, unless the council first gives public notice of a summary of the bylaw or, if the real property of a specific person is affected, actual notice to that person.

Inspections and enforcement
159. (1) If this Act or any other enactment or a bylaw authorizes or requires anything to be inspected, remedied, enforced or done by a charter community, an officer may, after giving reasonable notice to the owner or occupier of the land or structure affected,

(a) enter the land or structure at any reasonable time, and carry out the inspection, remedy, enforcement or action authorized or required by the enactment or bylaw;
(b) request anything be produced to assist in the inspection, remedy, enforcement or action; and
(c) make copies of anything related to the inspection, remedy, enforcement or action.

Identification
(2) The officer shall, on request, display or produce identification showing that the person is authorized to make the entry.

Imminent danger
(3) The officer authorized to perform a task under subsection (1) need not give reasonable notice and may enter at any hour and perform a task referred to in subsection (1) without the consent of the owner or occupant, if the officer or the council is of the opinion that

(a) there is imminent danger to public health and safety; or

(b) the action is warranted by extraordinary circumstances.

Limitation

(4) Nothing in this section authorizes the charter community to remedy the contravention of an enactment or bylaw.

Remedies

Court authorized inspections and enforcement

160. (1) A charter community may apply to the Supreme Court for an order under subsection (2) if a person

(a) refuses to allow or interferes with the entry, inspection, remedy, enforcement or action referred to in section 159; or

(b) refuses to produce anything to assist in the inspection, remedy, enforcement or action referred to in section 159.

Court order

(2) The court may issue an order

(a) restraining a person from preventing or interfering with the entry, inspection, remedy, enforcement or action; or

(b) requiring the production of anything to assist in the inspection, remedy, enforcement or action.

Imminent danger

(3) The court may hear the application without notice to any person if, in its opinion, there is imminent danger to public health or safety or it is warranted by extraordinary circumstances.

Designated officers

161. (1) A charter community may, by resolution, designate an officer to issue orders under this section.

Remedying a dangerous contravention

(2) If the designated officer finds that a person is contravening any bylaw or any enactment that the charter community is authorized to enforce and the contravention poses an imminent danger to public health or safety, the officer may, by written order, direct the person to take any action or measures necessary to remedy the contravention, including the removal or demolition of a structure that has been erected or placed in contravention of a bylaw, and to prevent a reoccurrence of the contravention.

Remedying a dangerous structure, excavation or hole

(3) If the designated officer finds a structure, excavation or hole that is dangerous to public safety or property, the designated officer may, by written order, require the owner of the structure, excavation or hole to eliminate the danger in the manner specified, remove or demolish the structure or fill in the excavation or hole and level the site.

Compliance conditions

(4) An order made under this section may

(a) state a time within which the person must comply with the order; and

(b) state that if the person does not comply with the order within the specified time, the charter community will take a specified action or measure at the expense of the person.

Service of order

(5) The order must be served personally or, if personal service cannot be made because the address of the person is not known, notice of the order may be published twice in a newspaper having general circulation in the municipality or in the Northwest Territories.

Request for hearing by council

162. (1) A person who receives a written order under section 161 may request that the council review the order by written notice within 14 days after the date the order is received, or within such longer period as is specified by bylaw.

Review

(2) After reviewing the order, the council may confirm, vary, replace or cancel the order.

Service of decision

(3) The council must serve a copy of its decision under subsection (2) on the person requesting the review, within 14 days of making the decision.

Appeal to the Supreme Court

163. (1) A person affected by the decision of a council under section 162 may appeal to the Supreme Court if
- (a) the decision was not made in accordance with this Act; or
- (b) the decision is patently unreasonable.

Deadline

(2) The appeal must be made within 30 days after the day the decision is served on the person affected by the decision.

Originating Notice

(3) The application for the appeal must be made by originating notice in accordance with the *Rules of the Supreme Court of the Northwest Territories*.

Appeal decision

(4) The Supreme Court may
- (a) confirm the decision being appealed; or
- (b) declare the decision invalid and send the matter back to the council with directions.

Application in cases of unsightly property

164. (1) If a council considers that a structure, excavation or hole is detrimental to the surrounding area because of its unsightly condition, the charter community may apply to the Supreme Court for an order requiring the owner of the property to remedy the unsightly condition.

Power of court

(2) On application of the charter community, the court may by order
- (a) require the owner of the property to improve the appearance of the property in a specified manner, including removing or demolishing a structure, filling in an excavation or hole and levelling the site;
- (b) specify a time within which the person must comply with the order; and
- (c) authorize the charter community to take the action or measure at the expense of the person, if the person does not comply with the order within the specified time.

Charter community remedying contraventions

165. (1) A charter community may take any actions or measures necessary to remedy a contravention of a bylaw or an enactment that the charter community is authorized to enforce, or to prevent a reoccurrence of the contravention, if
- (a) the officer designated by the council gave a written order under section 161;
- (b) the order contained a statement referred to in paragraph 161(4)(b);
- (c) the person to whom the order is directed has not complied with the order within the time specified in the order; and
- (d) the appeal periods respecting the order have expired or an appeal was heard and the court allowed the municipality to take the actions or measures.

Closure

(2) If an order made under section 161 directs that premises be put into and maintained in a sanitary condition, the charter community may close the premises.

Unsightly property

(3) A charter community may take actions or measures necessary to remedy an unsightly structure, excavation or hole if

(a) the court issued an order under section 164;
(b) the order authorized the charter community to take the action or measures if the person did not comply with the order;
(c) the person to whom the order is directed has not complied with the order within the time specified in the order; and
(d) the appeal periods respecting the order have expired or an appeal was heard and the court allowed the charter community to take the actions or measures.

Removal of occupants

(4) A bylaw officer or other person authorized by the charter community may use reasonable force to remove occupants from a structure being closed, removed or demolished under this section.

Collection of expenses

(5) The expenses and costs of an action or measure taken by a charter community under this section are a debt owing to the charter community by the person who contravened the bylaw, enactment or court order and may be recovered from the person in default by civil action for debt, or by charging it against real property of which the person is the assessed owner in the same manner as arrears of property taxes under the *Property Assessment and Taxation Act*.

Proceeds of sale

(6) If the charter community sells all or a part of a structure that has been removed under this section, the proceeds of the sale must be used to pay the expenses and costs of the removal and any excess proceeds shall be paid to the person entitled to them.

Emergency order

166. (1) Where a council, or an officer designated by the council for this purpose, is of the opinion that there is an imminent and serious danger to public health or safety, the charter community may take any action or measure necessary to eliminate the danger.

Applicable law

(2) This section applies whether or not the danger involves a contravention of a law.

Compulsory assistance

(3) A person may be given a verbal or written order under this section to provide labour, services, equipment or materials and, on receipt, the person shall comply with the order.

Record keeping

167. (1) A senior administrative officer shall ensure that complete and accurate records are kept in respect of

(a) tickets issued under the *Summary Conviction Procedures Act* for offences under the bylaws;
(b) payments of fines in respect of those tickets; and
(c) the disposition of those tickets.

Destruction of records

(2) A charter community may, by bylaw, provide for the destruction of records kept under subsection (1) when they are no longer useful or required by law.

Injunction

168. (1) In addition to any other remedy available to it, a charter community may enforce a bylaw by applying to the Supreme Court for an injunction by originating notice in accordance with the *Rules of the Supreme Court of the Northwest Territories*.

Decision

(2) The Court may grant or refuse the injunction or other order or may make any other order that it considers just.

Offences and Punishment

Offence

169. (1) A person who contravenes this Act or the regulations is guilty of an offence.

Obstructing an officer

(2) A person who wilfully obstructs or interferes with a bylaw officer, another officer of the charter community, a municipal inspector, a municipal supervisor or a municipal administrator, in the performance of that person's duties under this Act or a bylaw, is guilty of an offence.

Punishment for offences under this Act or bylaws

170. (1) A person who is guilty of an offence under this Act, the regulations or a bylaw for which no specific punishment is provided by this Act or by a bylaw is liable on summary conviction

(a) to a fine not exceeding $ 2,000 for an individual and $ 10,000 for a corporation; or

(b) to imprisonment for a term not exceeding six months in default of payment of a fine.

Punishment for bylaw offences

(2) A charter community may, by bylaw, provide that a person who is guilty of an offence under a bylaw is liable on summary conviction to a fine or imprisonment not exceeding the limits in paragraphs (1)(a) and (b).

Order respecting other matters

(3) In addition to any fine that may be levied, a court, subject to its jurisdiction, may order a person convicted of an offence under a bylaw

(a) to pay any fee or charge that may otherwise be payable by the person to the charter community in respect of any licence or permit that should have been obtained by the person;

(b) to pay any costs that the charter community is entitled to in respect of the offence; and

(c) to do or refrain from doing any activity that the court may specify.

Ownership of fines collected

(4) Subject to any other enactment, a fine or penalty collected in respect of an offence under a bylaw belongs to the charter community.

Municipal Inspectors

Appointment

171. (1) The Minister may appoint municipal inspectors for the purposes of this Act.

Mandatory inspections

(2) The Minister may, on the Minister's own initiative or at the request of the council, direct a municipal inspector to examine or review

(a) the records, books and accounts of the charter community;

(b) the management and administration of the charter community; and

(c) the operations and financial affairs of the charter community.

Report

(3) A municipal inspector shall prepare a report on his or her examinations and reviews and submit it to the Minister.

Content of report

(4) The report of a municipal inspector may include

(a) a statement describing any contravention of this Act or the bylaws of the charter community that, in the opinion of the inspector, has occurred; and

(b) recommendations on action to be taken by the charter community or the Minister.

Forwarding copy of report

(5) The inspector shall forward a copy of the report to the mayor, unless the Minister directs otherwise.

Powers of municipal inspector

172. A municipal inspector may

(a) inspect or require the production of any record, book, account or document of the charter community and make copies of it;

(b) require any council member or employee or any person managing or administering money belonging to the charter community to provide the information and explanations that are necessary;

(c) examine any council member or employee or any person managing or administering money belonging to the charter community under oath or require that person to provide a statement under oath;

(d) enter the premises of the charter community at any reasonable time;

(e) obtain from a bank or other financial institution any financial information it may have respecting the charter community; and

(f) exercise the powers of a commissioner for oaths.

Ministerial Supervision and Administration

Notice of problem

173. (1) The Minister shall notify a council if the Minister believes that

(a) the charter community is incapable of meeting its financial obligations;

(b) the charter community is experiencing operational difficulties;

(c) the council has failed to perform a duty required of it by this or any other Act; or

(d) it is in the best interests of the charter community that it be under the control of a municipal supervisor.

Consultation

(2) The Minister must consult with the council on the best course of action to remedy the problem.

Time limit

(3) The consultations with council must continue for at least 30 days after the notice is sent.

Decision

(4) After providing the required notice and after expiry of the 30 day consultation period, the Minister may, by order, declare the charter community to be subject to Ministerial supervision if the Minister is of the opinion that supervision is the best course of action to remedy the problem.

Urgency

174. (1) Notwithstanding section 173, if the Minister believes that the problem referred to in subsection 173(1) is urgent and requires immediate action, the Minister may, by order made without consultation, declare the charter community to be subject to Ministerial supervision.

Notice

(2) The Minister shall, without delay, send a copy of the order under subsection (1) to the council together with the reasons for taking immediate action.

Time limit of order

(3) An order under subsection (1) expires after 45 days, or at such earlier date as the Minister may specify.

Further action

(4) If the Minister believes that the problem referred to in subsection 173(1) will continue after the expiry of the order, the Minister may

(a) proceed to consult with the council under section 173; and
(b) with the approval of the Executive Council, renew the order under subsection (1) for one additional period not exceeding 45 days.

Supervision order
175. (1) An order declaring a charter community to be subject to Ministerial supervision may
(a) appoint a person as a municipal supervisor to act on behalf of the Minister in supervising the charter community;
(b) empower the municipal supervisor to supervise the affairs of the charter community;
(c) give directions for the deposit and disbursement of money of, or received on account of, the charter community;
(d) give directions regarding the approval and execution of bylaws, securities, debt instruments and other documents;
(e) impose such other terms and conditions or give such other directions as the Minister considers advisable; and
(f) require that the expenses incurred under the order be paid, in whole or in part, by the charter community and be included in its operating budget.

Approval of budget and recovery plan
(2) The Minister may direct a charter community under Ministerial supervision to submit for approval a budget or a recovery plan.

Budget or recovery plan
(3) The Minister may impose a budget or a recovery plan on the charter community if it
(a) fails to submit the budget or plan;
(b) fails to obtain the approval of the Minister for the budget or plan; or
(c) fails in whole or in part to conduct its affairs in accordance with the order or the directions of the Minister or the person designated by the Minister.

Binding effect
(4) A budget or recovery plan imposed by the Minister becomes effective and binding upon the charter community, its council, the senior administrative officer, and all persons interested in or affected by it, on notice to the council.

Amendment of plan
(5) After consulting with the council, the Minister may amend a budget or recovery plan imposed by the Minister.

Administration
176. (1) If the Minister is of the opinion that Ministerial supervision will not be sufficient to remedy the problem referred to in subsection 174(1), the Minister may declare the charter community to be subject to Ministerial administration.

Administration order
(2) An order declaring a charter community to be subject to Ministerial administration must appoint an municipal administrator for a fixed or indefinite term of office.

Effect on council members
(3) When an order declaring a charter community to be subject to Ministerial administration takes effect, all council members are deemed to have resigned from office and the council is to remain vacant until after a new election is held under section 179.

Powers of administrator
(4) Subject to this Act, a municipal administrator may exercise the powers and shall perform the duties of a council under this Act.

Bylaws and expenditures

(5) A municipal administrator may not make a bylaw or incur an expenditure or liability on behalf of the charter community without the approval of the Minister.

Disposal of assets

(6) A municipal administrator may dispose of such personal or real property owned by the charter community as may be necessary to satisfy any of its outstanding debts.

Bonding

(7) A municipal administrator must be bonded in an amount determined by the Minister.

Costs of administrator

(8) The costs of a municipal administrator, including remuneration, reasonable living and travelling expenses and costs of bonding, must be paid out of the funds of the charter community.

Books of account

(9) A municipal administrator shall

- (a) ensure that accurate books of account are kept relating to the financial affairs of the charter community;
- (b) ensure that the books of account are open to inspection by the Minister or any person designated by the Minister;
- (c) provide to the Minister a report on the financial affairs of the charter community, including
  - (i) a balance sheet that presents fairly the financial position of the charter community,
  - (ii) a statement of income that presents fairly the operating results of the charter community, and
  - (iii) such other information as the Minister may require.

Submission of report

(10) The report referred to in paragraph (9)(c) must be submitted at the end of each calendar month or at such other times as the Minister may require.

Ministerial direction

177. (1) The Minister may, by order or otherwise, direct a municipal supervisor or municipal administrator in the exercise of his or her powers or the performance of his or her duties.

Rate of tax

(2) If the charter community under the Ministerial administration is a municipal taxing authority, the Minister shall establish the rate of tax under the *Property Assessment and Taxation Act*.

Compliance

178. (1) The charter community and its employees shall comply with the order and any directions of the Minister and the municipal supervisor or municipal administrator, as the case may be.

Inspection of books of account

(2) The books of account of the charter community must be open to inspection by the municipal supervisor or municipal administrator.

Revocation of order

179. (1) The Minister shall revoke an order declaring a charter community to be under Ministerial supervision or administration if the Minister believes that the problem that triggered the order is remedied or no longer a concern.

Return of council

(2) If the charter community was under the control of an administrator, the Minister shall in the order provide for the return of the council by establishing an election day for the election of new council members and providing for those matters required for the election as if it were the first election of a council.

Dissolution

Order to dissolve
180. The Minister may, by order, dissolve a charter community if he or she is satisfied that
- (a) the charter community is unable to continue in operation for financial or other reasons; and
- (b) due provision has been made for winding up the affairs of the charter community, the payment of all its debts and the satisfaction of all its obligations.

Liquidator
181. (1) The Minister may appoint a liquidator to
- (a) wind up the affairs a charter community that is to be dissolved;
- (b) pay its debts;
- (c) satisfy its obligations; and
- (d) transfer its assets.

Transfer of assets
(2) The assets of a dissolved charter community must be transferred to the Government of the Northwest Territories on the terms and conditions that the Minister may require.

Ownership of revenues
(3) Revenues of a dissolved charter community not yet received by it belong to the Government of the Northwest Territories and may be collected accordingly.

PART VII GENERAL AND TRANSITIONAL

General Matters

Order varying time
182. The Minister may, by order, vary the time required by this Act for the doing of any thing, whether the time has made or not, if the thing cannot or has not been done.

Public notice
183. (1) When public notice is required under this Act, the notice must be given to the general public in one or more of the following ways:
- (a) by inserting the notice at least once in a newspaper circulating in the municipality;
- (b) by mailing or delivering a copy of the notice to each adult resident in the municipality;
- (c) by causing announcements to be made on a radio or television station received in the municipality on at least three separate days; or
- (d) by posting a notice in at least five widely separated and conspicuous places in the municipality.

Documents available to the public
(2) When a document is to be made available to the public under this Act, the document must be accessible to any person in a conspicuous place in the offices of the charter community during the normal working hours of the charter community.

Appointment of designates
184. The Minister may appoint one or more designates for the purpose of receiving any documents, notices or other items on behalf of the Minister that are required to be submitted or provided to the Minister under this Act.

Regulations
185. The Commissioner, on the recommendation of the Minister, may make regulations
- (a) prescribing the forms that are necessary or advisable in carrying out the provisions of this Act; and

(b) prescribing any matter or thing that by this Act may or is to be prescribed.

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SCHEDULE B

Cities, Towns and Villages Act

Interpretation

Definitions
1. In this Act,

"budget" means the budget of a municipal corporation adopted by the council under section 105;

"bylaw" means a bylaw made by a council under this or any other Act;

"bylaw officer" means a person appointed under section 150;

"charter community" means a charter community as defined in the *Charter Communities Act*;

"city" means a corporation with the status of a city established or continued under this Act;

"Commissioner's land" means lands to which the *Commissioner's Land Act* applies;

"council" means the council of a municipal corporation

"council member" means the mayor or a councillor;

"councillor" means a member of the council of a municipal corporation, other than the mayor;

"debt management plan" means a plan to manage a municipal corporation's debt adopted under section 128;

"election" means an election of a mayor or councillor conducted in accordance with *Local Authorities Elections Act*;

"election day" means the day fixed for an election;

"employee" means an employee of a municipal corporation, including an officer;

"granular and other materials" means carving stone, clay, construction stone, diatomaceous earth, earth, flint, gravel, gypsum, limestone, marble, marl, ochre, peat, sand, shale, slate, sodium chloride, soil and volcanic ash;

"general election" means an election held to replace council members whose terms of office expire in that year;

"hamlet" means a hamlet as defined in the *Hamlets Act*;

"investment plan" means a plan to manage a municipal corporation's investments adopted under section 140;

"land administration bylaw" means a bylaw made in accordance with section 91;

"local improvement" means a work that will have a benefit to the real property in a particular geographic area within the municipality;

"local improvement bylaw" means a bylaw made under section 129 that authorizes a local improvement;

"long-term" means a period exceeding one year;

"long-term debt" means any debt owed by the municipal corporation with a repayment term of more than one year;

"long-term financial commitment" has the meaning set out in section 2;

"mayor" means the mayor of a municipal corporation;

"municipal administrator" means a municipal administrator appointed under subsection 171(2);

"municipal corporation" means a corporation established or continued under this Act with the status of a city, town or village;

"municipality" means the geographic area over which a municipal corporation has jurisdiction, as described in the order establishing or continuing the municipal corporation;

"municipal inspector" means a municipal inspector appointed under section 166 or under the *Charter Communities Act* or the *Hamlets Act*;

"municipal road" means a road in respect of which a municipal corporation may make bylaws under section 92;

"municipal supervisor" means a municipal supervisor appointed under subsection 170(1);

"officer" means the senior administrative officer or an employee appointed as an officer under section 43;

"personal property" includes an interest in personal property;

"property tax" means tax on real property levied under the *Property Assessment and Taxation Act*;

"public notice" means the giving of a notice to the general public in accordance with subsection 178(1);

"public utility" means a system or work that provides, for public consumption, benefit, convenience or use, any of the following:

(a) water or steam,
(b) sewage disposal,
(c) drainage,
(d) public transportation,
(e) fuel,
(f) electric power,
(g) heat, or
(h) waste management;

"quarry" means any work or undertaking in which granular and other materials are removed from the ground or the land by any method, and includes all ways, works, machinery, plant, buildings and premises belonging to or used in connection with the quarry;

"real property" includes an interest in real property;

"resolution" means a resolution of a council;

"securities" includes bonds, debentures, treasury bills, trust certificates, guaranteed investment certificates or receipts, certificates of deposit, deposit receipts, bills, notes and mortgages of real estate or leaseholds and rights or interests in respect of a security;

"senior administrative officer" means the senior administrative officer of a municipal corporation appointed under subsection 42(1);

"settlement corporation" means a corporation established as a settlement corporation under the *Settlements Act*;

"short-term" means a period of one year or less;

"town" means a corporation with the status of a town established or continued under this Act;

"village" means a corporation with the status of a village established or continued under this Act.

"voter" means a person who is eligible to vote at an election.

Long-term financial commitment

2. (1) For the purposes of this Act, "long-term financial commitment" means

(a) a lease of real property with a fixed term of more than one year or a fixed term of one year or less but with a right of renewal that would, if exercised, extend the original term to more than one year;

(b) a lease of personal property with a fixed term of more than one year or a fixed term of one year or less but with a right of renewal that would, if exercised, extend the original term to more than one year; or

(c) an agreement to purchase real or personal property if payment of the purchase price under the agreement is to be made over a period exceeding 10 years.

Exception

(2) A lease or an agreement to purchase is not to be considered to be a long-term financial commitment under subsection (1) if the payments made under the lease or agreement are nominal or are not made from the general revenues of the municipal corporation.

Purposes of a municipal corporation

3. Municipal corporations are established for the following purposes:

(a) to provide good government to the residents of the municipality;

(b) to develop and maintain a safe municipality; and

(c) to provide the services, products and facilities required or allowed by this Act or considered by a council to be necessary or desirable for all or part of the municipality.

General bylaw powers

4. The general legislative powers of a municipal corporation to make bylaws are to be interpreted as giving broad authority to the council to govern the municipality in whatever way the council considers appropriate, within the jurisdiction given to a municipal corporation under this and other Acts, and to address issues not contemplated at the time this Act is enacted.

PART I INCORPORATION

Public notice of establishment of municipal corporation

5. (1) The Minister may, on his or her own initiative or at the request of at least 25 residents who, on the date of the request, would otherwise be eligible under section 17 of the *Local Authorities Elections Act*, to vote in an election, cause public notice to be given in the area of the proposed municipality that the Minister intends to establish a municipal corporation in that place.

Content of public notice

(2) The public notice must state the proposed

(a) name and status of the municipal corporation;

(b) boundaries of the municipality; and

(c) date of incorporation.

Time of notice

(3) The public notice must be given at least 90 days before the date of incorporation.

Objection to incorporation

6. (1) Any resident of the proposed municipality may, by writing to the Minister, object to the establishment of the proposed municipal corporation.

Time of objection

(2) In order to be considered, an objection referred to in subsection (1) must be received by the Minister within 90 days after the giving of public notice of the intention to establish a municipal corporation.

Establishment of municipal corporation

7. (1) After giving public notice to be given of the intention to establish a municipal corporation and considering any objection made under section 6, the Minister may, by order, establish a municipal corporation.

Content of order

(2) The order establishing a municipal corporation must

(a) fix the name and status of the municipal corporation;

(b) determine the boundaries of the municipality; and

(c) provide for the first election of the council members in accordance with the *Local Authorities Elections Act*.

Request to change name

8. (1) A council may request the Minister to change the name of the municipal corporation.

Change of name

(2) If the Minister considers it to be in the public interest, the Minister, on the recommendation of the Executive Council, may, by order, change the name of a municipal corporation and provide for any transitional matters that may be necessary.

Effect of change of name

(3) The change of name of a municipal corporation does not affect any of its employees, bylaws, resolutions, assets, liabilities, rights, duties, obligations or functions.

Change in status to village, town or city

9. (1) The Minister may, on the Minister's own initiative or at the request of the council, by order,

(a) change the status of a charter community or hamlet to a village, town or city; and

(b) provide for any transitional matters that may be necessary.

Public notice

(2) At least 180 days before making an order under subsection (1), the Minister shall cause public notice to be given of the intention of the Minister to change the status of the charter community or hamlet to a village, town or city.

Change in status of charter community

(3) If the status of a charter community is being changed to a municipal corporation and the community charter is being revoked, the order is subject to the same conditions as an order establishing a charter community under the *Charter Communities Act*.

Commencement of order and new election

(4) If the status of a city, town or village is being changed,

(a) the order takes effect on the second Monday in December following the date the order is made; and

(b) the term of office for council members ends at 12 noon on the first Monday in January following the date the order is made.

Saving provision for change in status

10. (1) The change in status of a charter community, city, hamlet, town or village does not affect any of its employees, bylaws, resolutions, assets, liabilities, rights, duties, obligations or functions.

Status of mayor and councillors

(2) When a charter community, city, hamlet, town or village changes its status, the mayor and councillors continue in office until their successors take office.

Request to vary boundaries

11. (1) A council may request the Minister to vary the boundaries of the municipality.

Variation of boundaries

(2) If the Minister considers it to be in the public interest, the Minister, on the recommendation of the Executive Council, may, by order, vary the boundaries of a municipality and provide for any transitional matters that may be necessary.

Effect of variation of boundaries

(3) If the boundaries of a municipality are varied, all bylaws apply to the municipality as varied from the date the order made under subsection (2) takes effect.

PART II ADMINISTRATION

Councils

Role of council

12. (1) The powers and duties of a municipal corporation shall be exercised and performed by the council, unless otherwise provided in this Act.

Duties of council

(2) A council is responsible for

- (a) developing and evaluating the plans, policies and programs of the municipal corporation;
- (b) making the bylaws and resolutions of the municipal corporation; and
- (c) ensuring that the powers, duties and functions of the municipal corporation are appropriately carried out.

Performance of functions

13. A council may perform its functions by either resolution or bylaw, unless otherwise required by this Act or any other enactment.

Composition of council

14. (1) Subject to this section, a council is composed of a mayor and eight elected councillors.

Variation of number of council members

(2) On the request of a council, the Minister may, by order, vary the number of elected council members who comprise the council.

Effect of order

(3) An order made under subsection (2)

- (a) does not affect the term of office of any council member in office at the time the order is made; and
- (b) applies to the next general election in respect of elected council members.

Application of *Local Authorities Elections Act*

15. The mayor and councillors must be elected in accordance with the *Local Authorities Elections Act*.

Youth members

16. (1) A council may appoint a person with the title "youth member" to sit with the council and to participate in its deliberations, for a term and on conditions that the council may decide.

Maximum age

(2) A youth member must be less than 18 years of age.

Not a council member

(3) A youth member is not a council member and may not be counted for the purpose of determining a quorum or deciding a vote of the council.

Term of office

17. (1) Subject to this Act, the mayor and councillors hold office for three years, unless the municipal corporation, by bylaw, decreases the term of office to two years.

Duration of term of office

(2) The term of office for council members

(a) commences at 12 noon on the first Monday in November following their election or when they are sworn in, whichever is later; and

(b) ends at 12 noon on the first Monday in November.

Staggered terms of office

18. (1) A council may stagger the terms of office of councillors by providing, by bylaw, that the councillors elected at the next general election hold office as follows:

(a) half of the successful candidates who receive the highest number of votes hold office for the full term of office; and

(b) the balance of the successful candidates hold office for a term of one year less than the full term of office.

Rounding up the number

(2) For the purposes of paragraph (1)(a), if half of the successful candidates who receive the highest number of votes is a fraction, the number shall be rounded up to the nearest whole number.

Application of new rules

(3) A bylaw made under this section applies to any general election in which the election day is more than 180 days after the day the bylaw is made.

Repeal

(4) A bylaw made under this section may not be repealed until at least two general elections have been held since the bylaw was made, unless the Minister approves an earlier repeal.

Transitional

(5) A municipal corporation may, when repealing a bylaw that staggers the terms of office of the council members, provide that the terms of office of all council members expire at the general election following the repeal of the bylaw.

Oath of office

19. Each council member shall, before taking office, take an oath or affirmation of office in the following words or such other words as the municipal corporation may, by bylaw, require:

I, ..., do solemnly and sincerely promise and (swear or affirm) that I will duly, faithfully and to the best of my skill and knowledge, execute the powers and trust reposed in me as a (name of office).

Ineligibility

20. (1) A council member who, after taking office, ceases to be eligible to be a candidate for his or her office shall vacate his or her office and cease to be a mayor or councillor, as the case may be.

Declaration of vacancy

(2) If a council member referred to in subsection (1) does not resign immediately, council shall, by resolution, declare that his or her office is vacant.

Judicial review

(3) Any person may, within five days after the making of a resolution under subsection (2), apply to the Supreme Court for judicial review of the declaration by originating notice in accordance with the *Rules of the Supreme Court of the Northwest Territories*.

Council Meetings

Place of business

21. A council may only hold its meetings and transact its business within the municipality, unless the council provides otherwise by resolution.

Quorum
22. (1) A quorum for a council is a majority of the number of council members who comprise the council.

Number
(2) For greater certainty, when determining a quorum, the number of council members includes the mayor and any vacancies.

Public meetings
23. (1) Subject to this section, a council shall hold its regular, special and committee meetings in public.

Exclusion from meetings
(2) A person may only be excluded from a meeting of a council or a committee of council for improper conduct.

Private meetings
(3) A council or a committee of council may, by resolution approved by at least 2/3 of the council members present, authorize its meeting to be closed to the public if it decides to discuss any of the following:

(a) commercial information that, if disclosed, would likely be prejudicial to the municipal corporation or the persons involved;
(b) information received in confidence that, if disclosed, would be prejudicial to the municipal corporation or the persons involved;
(c) personal information, including personal information about employees;
(d) the salary, benefits or performance record of an employee;
(e) a matter still under consideration and on which the council has not yet publicly announced a decision, if discussion in public would likely prejudice the municipal corporation's ability to carry out its activities or negotiations;
(f) the buying or selling of property by or on behalf of the municipal corporation;
(g) the setting of minimum tax sale prices under the *Property Assessment and Taxation Act*;
(h) the conduct of existing or anticipated legal proceedings;
(i) the conduct of an investigation under, or enforcement of, an Act or bylaw;
(j) information, the disclosure of which could prejudice public security or the maintenance of law and order; and
(k) the security of documents or premises.

Limitation on power
(4) A council has no power to make a bylaw or a resolution at a meeting that is closed to the public, other than a resolution to

(a) give instructions to the municipal corporation's solicitors;
(b) give directions on confidential personnel issues to staff; or
(c) adjourn the closed meeting or to revert to a public meeting.

Record
(5) A council shall make a public record of any meeting that is closed to the public, noting the fact that council met in private and the date, but no other information.

Meeting by electronic means
24. (1) A council may conduct a meeting using electronic means of communication if the electronic means of communication enables the members to hear and speak to each other, and allows the public to hear the members.

Deemed presence
(2) Council members participating in a meeting in the manner referred to in subsection (1) are deemed to be present at the meeting.

Purpose
(3) Only council members who, at the time of the meeting, are outside the municipality, or physically

unable to attend the meeting, may participate in the manner described in subsection (1).

First meeting of council
25. (1) The first meeting of a council following a general election must be held not later than 28 days after the election day at the time and place that the mayor designates.

Regular meetings
(2) A council shall hold at least one regular meeting each month at the time and place that the council fixes by resolution.

Public notice
26. (1) The council shall ensure that public notice of the time and place of each regular council meeting is given at least three days in advance.

Regular schedule
(2) A council may meet the requirement in subsection (1) by giving public notice of a schedule of regular meetings at least once each year.

Agenda
(3) An agenda for each regular council meeting shall be made available to the public at least three days in advance of the meeting.

Special meetings
27. (1) The senior administrative officer shall call a special council meeting if requested to do so in writing by the mayor or by two councillors.

Notice of special meeting
(2) The senior administrative officer shall, at least 48 hours in advance, give notice of the time and place of the special meeting and the nature of the business to be transacted at the special meeting.

Method of notice
(3) The notice referred to in subsection (2) must be given by
(a) making a copy of the notice available to the public; and
(b) delivering a copy of the notice to each council member or to a place designated by a council member for this purpose.

Limit on nature of business
(4) A council may not transact any business at a special meeting other than that specified in the notice of the special meeting, unless all council members are present at the special meeting and they all agree.

Emergency meeting
28. (1) A council member may call an emergency council meeting if he or she considers that an emergency exists or may exist in the municipality.

Notice of emergency meeting
(2) Notice of the time and place of an emergency meeting must be given to as many council members as is possible in the circumstances.

Quorum
(3) Those council members attending an emergency council meeting constitute a quorum.

Declaration of state of local emergency
(4) The council may, at an emergency meeting, make a declaration of a state of local emergency relating to all or any part of the municipality in accordance with the *Civil Emergency Measures Act*, and may only transact business relating to the emergency.

Waiver of notice
29. (1) If all council members are present, they may, by unanimous consent, waive notice of a meeting and

hold a meeting at any time.

Restriction

(2) A resolution or bylaw may only be made at a meeting referred to in subsection (1), if all council members are present at the time that it is made.

Rules of procedure for council

30. A municipal corporation shall, by bylaw, make rules respecting

(a) the calling of meetings of council and its committees;
(b) the procedure of the council;
(c) the circumstances in which the mayor or other presiding council member may vote at meetings of council or committees of council;
(d) the behaviour of council members and other persons present at meetings of council and its committees;
(e) the establishment, appointment and duties of committees of council; and
(f) the general transaction of its business.

Rules for public meetings

31. A municipal corporation may, by bylaw, make rules respecting

(a) the calling of public meetings by the municipal corporation;
(b) the procedure at the public meetings; and
(c) the behaviour of persons at the public meetings.

Validity of resolutions and bylaws

32. (1) Subject to this Act, a resolution or bylaw is not valid unless a majority of the council members present and voting at a duly constituted meeting of council vote in favour of it.

Factors not invalidating resolution or bylaw

(2) A resolution or bylaw validly made by a duly constituted council is not invalid by reason only that

(a) the election of a council member is invalid; or
(b) a council member is disqualified from serving on a council.

Records

Keeping of minutes

33. (1) The senior administrative officer shall record, legibly and in writing, the minutes of the proceedings of all meetings of the council and shall certify them as correct.

Record of voting

(2) The senior administrative officer shall record in the minutes the name of each council member and how that council member voted if

(a) a recorded vote is demanded by any council member; or
(b) the vote requires more than a majority.

Adoption of minutes

(3) A council shall, after correcting any errors, adopt the certified record of its minutes, after which the mayor or other presiding council member shall sign them.

Public inspection of records

34. (1) The bylaws and the minutes of all meetings of a council and its committees must be open for public inspection once the bylaws are made or the minutes are adopted by the council.

Copies of records

(2) Any person may receive copies of all or any part of the bylaws or the minutes of a meeting of a council on the payment of a fee determined by bylaw.

Council Members

Duties of council members

35. The duties of a council member are

(a) to consider the welfare and interests of the residents of the municipality as a whole and to bring to council's attention anything that would promote the welfare or interests of the residents;

(b) to participate generally in developing and evaluating the policies, plans and programs of the municipal corporation;

(c) to participate in meetings of council or meetings of council committee or other bodies to which the member is appointed by the council;

(d) to ensure that he or she is kept informed about the operation or administration of the municipal corporation;

(e) to keep in confidence matters discussed in private at a council or council committee meeting until these matters are discussed at a meeting held in public; and

(f) to perform any other duty or function imposed on council members by this Act, any other enactment or by the council.

Code of ethics

36. A council may adopt a code of ethics for council members.

Entitlement to vote

37. (1) A councillor has one vote at a meeting of council or a committee of council.

Vote of mayor or other presiding member

(2) The council may adopt rules of procedure that limit or expand the right of the mayor or other presiding council member to vote at a meeting of council or a committee of council as follows:

(a) to vote only in order to break a tie vote among the councillors; or

(b) to have the same right to vote as a councillor.

Deemed resignation for non-attendance

38. A municipal corporation may, by bylaw, provide that a council member who is absent from regular meetings of council, without the consent of the council, more than a certain number of times specified in the bylaw, is deemed to have resigned.

Mayor

Duties of mayor

39. (1) The mayor is the senior executive officer of the municipal corporation and shall, in addition to the general duties of a council member,

(a) preside at all meetings of the council, other than where prohibited by a bylaw or enactment for reasons of conflict of interest or other disability;

(b) provide leadership and direction to the council;

(c) maintain order and decorum at all meetings of the council; and

(d) perform any other duty imposed on the mayor by a bylaw, this Act or any other enactment.

Membership in all committees

(2) The mayor is, by virtue of his or her office, a member of all committees of the council, and possesses all the rights, privileges, powers and duties of that membership.

Deputy mayor

40. (1) A council, on the recommendation of the mayor, may, appoint a councillor to be the deputy mayor.

Powers and duties of deputy mayor

(2) The deputy mayor

(a) shall perform the duties and may exercise the powers of the mayor when the mayor is absent or unable to act; and
(b) shall perform other duties and may exercise other powers determined by the council on the recommendation of the mayor.

Acting mayor
41. (1) When both the mayor and the deputy mayor are absent or unable to act, the council may appoint a councillor to be the acting mayor.

Powers and duties of acting mayor
(2) The acting mayor has the same powers and duties as the deputy mayor.

Officers

Senior administrative officer
42. (1) A council shall, by bylaw, appoint a senior administrative officer.

Status
(2) The senior administrative officer is an employee of the municipal corporation.

Change in title
(3) A council may give the senior administrative officer another title for the purposes of the municipal corporation.

Appointment and duties
43. (1) The council may, by bylaw, appoint employees to be officers and authorize them to perform
(a) any statutory duty assigned to the senior administrative officer by this Act, other than those assigned under subsection 46(2); or
(b) any other duties the council considers necessary.

Acting officers
(2) The council may appoint employees to act on behalf of any officer who is absent or unable to act.

Prohibited officers
44. (1) A council may not appoint as an officer any person who has a direct or indirect interest in a contract with the municipal corporation.

Conflict of interest
(2) No officer shall have any direct or indirect interest in a contract with the municipal corporation.

Dismissal for conflict of interest
(3) An officer who acquires an interest in a contract with the municipal corporation may be dismissed without notice and without compensation.

Exceptions
(4) This section does not apply to contracts
(a) for the purchase of a residence or land on which to build a residence to be occupied by the officer or the dependants of the officer;
(b) for the supply of a utility, product or service at rates generally available to members of the public; or
(c) of employment or for benefits related to employment.

Bonding
45. (1) The following persons must be bonded in the amount, for the risks and with the surety that the council directs:
(a) the senior administrative officer;
(b) an officer performing the duties under paragraphs 47(1)(f) to (l);

(c) any other officers or employees as the council may require.

Costs of bonding

(2) The municipal corporation shall pay the costs of the bonding required by subsection (1).

Delegation by council

46. (1) A council may delegate any of its powers, duties or functions to the senior administrative officer, other than

(a) the power or duty to make bylaws or resolutions;
(b) a function that may only be performed by bylaw;
(c) the power to appoint the deputy or acting mayor, a youth member, the auditor, the senior administrative officer, officers or bylaw officers, or to suspend or revoke those appointments.

Mandatory duties

(2) Subject to the direction of the mayor, the senior administrative officer shall

(a) supervise and direct the affairs of the municipal corporation and its employees;
(b) implement the policies of the council;
(c) provide advice to the council;
(d) inspect and report on all municipal works as required by the council;
(e) ensure that budget is prepared in accordance with this Act;
(f) ensure that all contracts of the municipal corporation are prepared and executed as required by the council; and
(g) perform other duties that the council may delegate or require.

Other duties

47. (1) The senior administrative officer, or other officers that council may appoint, shall

(a) have custody of the corporate seal of the municipal corporation and cause it to be affixed to documents where required;
(b) attend all meetings of the council and accurately record all its resolutions, decisions and proceedings;
(c) prepare and have custody of the minutes and other records of the council and its committees;
(d) have custody of the original of each bylaw;
(e) provide copies of bylaws, minutes and other public documents of the municipal corporation in accordance with this Act;
(f) ensure the safekeeping of all funds, securities and assets of the municipal corporation;
(g) collect and receive all money belonging to or owing to the municipal corporation;
(h) ensure that all disbursements of the funds of the municipal corporation comply with this Act and any applicable bylaw;
(i) ensure that complete and accurate accounts are kept of all money received and disbursed on behalf of the municipal corporation;
(j) ensure that complete and accurate accounts are kept of all assets and liabilities of the municipal corporation and all transactions affecting the financial position of the municipal corporation;
(k) ensure that the financial statements of the municipal corporation are prepared annually in accordance with this Act and at further times that the council may direct; and
(l) provide the financial information respecting the municipal corporation that the Minister may require.

Powers related to financial control

(2) An officer performing the duties specified in paragraphs (1)(f) to (l) may

(a) inspect any financial record of the municipal corporation; and
(b) give directions to any employee in order to perform those duties.

Employees

Employees
48. (1) A municipal corporation may employ the persons that it considers necessary to carry out its business and affairs.

Holding multiple offices or positions
(2) A municipal corporation may, by bylaw, allow one person to hold two or more offices or positions.

Prohibited appointments
49. (1) A council member may not be appointed to a salaried office or employment in the municipal corporation.

Employees as council members
(2) A municipal corporation may by bylaw allow employees to be eligible for election to council, other than officers, bylaw officers, and employees responsible for financial matters.

Terms of employment
50. A municipal corporation may, by bylaw,
- (a) establish the remuneration and benefits of employees;
- (b) establish hours of work and terms of employment;
- (c) provide for the manner of appointment, promotion, discipline and dismissal of employees;
- (d) provide retirement, death or disability benefits to employees, and
- (e) on behalf of the municipal corporation, enter into collective or other agreements with employees.

Indemnification of employees
51. A municipal corporation may, by bylaw,
- (a) provide for the indemnification of employees who are sued in connection with the performance of their duties or the conduct of the business or affairs of the municipal corporation;
- (b) establish the terms and conditions of the indemnity; and
- (c) establish the risks and positions that will be covered.

Prohibition on paying fine of employee
52. No municipal corporation may pay a fine imposed on an employee found guilty of an offence under the law of the Northwest Territories or Canada.

PART III GENERAL POWERS

Corporate Status

Corporate status, powers, etc.
53. A municipal corporation is a body corporate and may only exercise its rights and powers in accordance with this Act.

Corporate seal
54. A municipal corporation shall, by bylaw, adopt a corporate seal.

Contracts

Power to contract
55. (1) A municipal corporation has the power to contract for a municipal purpose.

Procedure

(2) The procedure for the making of contracts for and on behalf of the municipal corporation must be set out in a bylaw.

Alternate service delivery

56. (1) A municipal corporation may, for a municipal purpose and if authorized by bylaw, enter into an agreement to allow another person to provide a service, public utility or facility on behalf of the municipal corporation.

Provisions of service agreement

(2) For greater certainty, a municipal corporation may, in the agreement referred to in subsection (1),

(a) grant a person the right to provide, operate, manage, upgrade and expand a service, public utility or facility in existence at the time of the agreement;
(b) grant a person the right to finance, construct and operate a new service, public utility or facility;
(c) lease, sell or otherwise dispose of property owned by the municipal corporation that is required for the purposes of providing the service, public utility or facility;
(d) transfer any rights, responsibilities and liabilities of the municipal corporation with respect to the service, public utility or facility, and
(e) provide assistance to the person who is to provide the service, public utility or facility by
  (i) making lease payments to that person;
  (ii) making a grant to that person;
  (iii) guaranteeing a loan made to that person;
  (iv) making an investment in a business or real property owned by that person;
  (v) transferring municipal property to that person for less than the market value of that property;
  (vi) providing that person with access to or use of municipal infrastructure at a free or discounted rate;
  (vii) granting that person property tax concessions; and
  (viii) providing the services of employees of the municipal corporation to that person.

Limitation

(3) An agreement containing any of the provisions referred to in paragraphs (2) (d) and (e) must be approved by the Minister or be authorized by the municipal corporation's investment plan.

Boards and Commissions

Establishment of boards and commissions

57. (1) A municipal corporation may, for a municipal purpose and if authorized by bylaw, establish a board or commission to administer all or part of one or more programs, services, public utilities or facilities on behalf of the municipal corporation.

Contents of bylaw

(2) A bylaw made under subsection (1) may provide for

(a) the powers and duties of the board or commission;
(b) the reporting requirements of the board or commission;
(c) the procedures of the board or commission;
(d) the payment of a reasonable allowance for expenses necessarily incurred in the performance of a board or commission member's duties;
(e) the payment of an honorarium to board or commission members for attending meetings of the board or commission or performing any other duties;
(f) the appointment of members to the board or commission, including persons who are members by virtue of their office and persons other than the mayor or councillors.

(g) the board or commission being a corporate entity; and
(h) such other matters the council considers advisable.

Mayor
(3) The mayor is, by virtue of that office, a member of every board and commission established by the municipal corporation.

Councillor
(4) A board or commission established by a municipal corporation must have at least one councillor as its member.

Meetings
(5) The requirements with respect to meetings of council committees apply to meetings of boards or commissions established by a municipal corporation, unless otherwise provided for by bylaw.

Delegation to committee, etc.
58. (1) A council may, by bylaw, delegate any of its powers, duties or functions under this or any other enactment to a committee of council or to a board or commission established by a municipal corporation, unless this Act or the other enactment provides otherwise.

Exception
(2) A council may not delegate to a committee of council or to a board or commission established by a municipal corporation
(a) the power or duty to make bylaws or resolutions; or
(b) a function that may only be performed by bylaw.

Delegation agreement
59. If expressly authorized in a delegation agreement, a municipal corporation may, by bylaw,
(a) establish a board or commission to administer all or part of a program or service transferred to the municipal corporation under a delegation agreement;
(b) provide for the board or commission to be jointly controlled by two or more parties to the agreement;
(c) define the powers and duties of the board or commission; and
(d) provide for any matters with respect to the board or commission that the parties to the delegation agreement consider advisable.

Delegation of Authority and Responsibility

Delegation by municipal corporation
60. (1) A municipal corporation may, by bylaw, authorize the delegation to another government or entity of the authority and responsibility for administering and delivering any service or program on behalf of the municipal corporation.

Prohibited delegations
(2) A municipal corporation may not delegate
(a) the power to make bylaws;
(b) the power of council to appoint the deputy or acting mayor, a youth member, the auditor, the senior administrative officer, officers or bylaw officers, or to suspend or revoke those appointments;
(c) the duty to adopt a budget; or
(d) the duty to hear objections, complaints or appeals required by this Act or any other enactment.

Capacity of delegate
(3) A municipal corporation may only delegate to a government or entity such authorities and responsibilities as it is legally capable of receiving.

Delegation to municipal corporation

61. (1) A municipal corporation may, by bylaw, authorize itself to act as the delegate of another government or entity and receive the delegation of

(a) authority and responsibility for administering or delivering a service or program on behalf of the other government or entity; and

(b) the power to enact laws on behalf of the other government or entity.

Geographic scope

(2) A municipal corporation may act as a delegate both within and outside the boundaries of the municipality, where authorized by the other government or entity.

Prohibited delegations

(3) A municipal corporation may not act as a delegate in respect of

(a) the power to appoint the deputy or acting mayor, a youth member, the auditor, the senior administrative officer, officers or bylaw officers, or to suspend or revoke those appointments,

(b) the duty to adopt a budget; or

(c) the duty to hear objections, complaints or appeals required by this Act or any other enactment.

Funding

(4) A municipal corporation may not act as a delegate of a government or entity if the municipal corporation is liable for any of the costs associated with the delegation.

No sub-delegation

(5) No municipal corporation has the authority to sub-delegate the power to administer and deliver any service or program delegated to the municipal corporation by the delegation agreement, unless expressly authorized under the delegation agreement.

Authorized delegates

62. The following governments or entities are the only ones to which and from which a delegation may be made under sections 60 and 61:

(a) the Government of the Northwest Territories, including its departments and agencies;

(b) the Government of Canada, including its departments and agencies;

(c) a board or public body, established by an enactment of Canada, that has jurisdiction only within the Northwest Territories;

(d) a government or entity established to represent or act on behalf of an aboriginal people of Canada, including any government or entity established under a final self-government agreement or a comprehensive land claim agreement; and

(e) a charter community, city, hamlet, town, village or settlement corporation, or a board or public body established by an enactment of the Northwest Territories.

Form of delegation

63. (1) The terms and conditions of the delegation must be set out in a delegation agreement properly entered into by the municipal corporation with the other government or entity.

Power to administer and deliver service or program

(2) A municipal corporation has, subject to the terms and conditions of a delegation agreement, the power to administer and deliver any service or program delegated to the municipal corporation by the delegation agreement.

Dispute resolution

(3) A delegation agreement must include a provision describing a process for the settling of disputes among the parties to the agreement.

Prior agreement

(4) An agreement similar in nature and purpose to a delegation agreement that was entered into before the

coming into force of this section is deemed to be a delegation agreement entered into under this section.

Real Property

Acquisition and use of real property

64. (1) A municipal corporation may, for a municipal purpose,

- (a) purchase, lease or otherwise acquire real property;
- (b) use, hold or develop real property owned by the municipal corporation; and
- (c) subdivide, in accordance with the *Planning Act*, real property owned by the municipal corporation.

Limits on acquisition

(2) A municipal corporation may not purchase, lease or otherwise acquire real property unless

- (a) the council has made a land administration bylaw and the purchase, lease or other acquisition is made in accordance with the land administration bylaw; or
- (b) the purchase, lease or other acquisition is specifically authorized or approved by a bylaw.

Land adjacent to or under water

(3) For greater certainty, a municipal corporation may acquire fee simple title in any part of a parcel that is adjacent to or under a water body within the municipality.

Quarries

(4) For greater certainty, a municipal corporation may restore, establish and operate a quarry on

- (a) Commissioner's land in the municipality, if authorized to do so under a lease or a delegation agreement; and
- (b) land owned by the municipal corporation.

Mines and minerals

(5) For greater certainty, a municipal corporation may not acquire, by agreement, expropriation or otherwise, the fee simple interest in any mines or minerals, other than granular and other materials.

Procedural bylaw

(6) Subject to this Act, a municipal corporation may, by bylaw, provide for the manner and procedure for acquiring, holding, developing and disposing of real owned by the municipal corporation.

Prohibition on disposition

65. (1) No person shall sell or dispose of any real property owned by the municipal corporation other than in accordance with this Act and the bylaws of the municipal corporation.

Disposition of real property

(2) A municipal corporation may not sell, lease or otherwise dispose of real property owned by the municipal corporation unless

- (a) the council has made a land administration bylaw and the sale, lease or other disposition is made in accordance with the land administration bylaw, or
- (b) the sale, lease or other disposition is specifically authorized or approved by a bylaw.

Exemption order

(3) Notwithstanding subsection (1), the Minister may, at the request of a council, by order, exempt a municipal corporation from compliance with paragraph (2)(a) for such period of time and subject to such conditions as the Minister considers appropriate.

Personal Property

Personal property

66. A municipal corporation may, for a municipal purpose,

(a) purchase, lease or otherwise acquire personal property; or
(b) hold or use personal property owned by the municipal corporation.

Prohibition

67. (1) No person shall sell or dispose of any personal property owned by the municipal corporation other than in accordance with this Act and the bylaws of the municipal corporation.

Disposition of personal property

(2) A municipal corporation may not sell, lease or otherwise dispose of personal property owned by the municipal corporation unless

(a) the personal property is not required for a municipal purpose; or
(b) the disposition of the personal property is necessary for or promotes a municipal purpose.

Procedural bylaw

(3) A municipal corporation may, by bylaw, provide procedures for the

(a) purchase, lease or other acquisition of personal property;
(b) use or holding of personal property owned by the municipal corporation; and
(c) sale, lease or other disposition of personal property owned by the municipal corporation.

Municipal Businesses, Services and Economic Development

Municipal services

68. (1) A municipal corporation may, for a municipal purpose,

(a) construct, operate, repair, improve and maintain works and improvements,
(b) acquire, establish, maintain, operate and deliver services, public utilities, infrastructure and facilities;
(c) use municipal equipment, materials and labour to carry out private works on private property.

Terms of service

(2) Subject to the *Public Utilities Act*, a council exercising the powers referred to in subsection (1) must, by bylaw,

(a) set the terms and conditions in respect of users;
(b) set reasonable rates or amounts of deposits, fees and other charges,
(c) provide for charging and collecting these deposits, fees and other charges;
(d) provide for criteria when it will discontinue or disconnect service or refuse to provide service; and
(e) provide for a right of entry onto private property to determine compliance with terms and conditions of use, to determine the amount of deposits, fees or other charges, or to disconnect a service.

New services, facilities or utilities

(3) A municipal corporation may not establish a service, facility or utility unless

(a) it obtains the approval of the Minister; or
(b) it is authorized to do so by the municipal corporation's investment plan.

Corporations

69. (1) A council may, with the approval of the Minister or where authorized by the municipal corporation's investment plan, establish a corporation or acquire or hold shares in a corporation for a municipal purpose.

Sole or joint holding

(2) The corporation may be established or its shares may be acquired or held

(a) solely by the municipal corporation; or
(b) jointly with one or more parties to a delegation agreement or alternate service

delivery agreement, if provided for in the agreement.

Economic development powers

70. (1) Subject to section 71, a municipal corporation may encourage economic development for a municipal purpose, including the establishment, expansion or continuation of a business or industry in the municipality, in any manner it considers appropriate.

No loans or guarantees

(2) A municipal corporation may not purchase shares or provide loans or guarantees to encourage economic development.

Grants

(3) For greater certainty, a municipal corporation may provide grants to encourage economic development.

Agreements

(4) A municipal corporation may enter into an agreement for the purposes of this section with

(a) an individual or corporation;
(b) a government or entity with which it may enter into a delegation agreement; or
(c) a municipal government outside of the Northwest Territories.

Limitation on powers

71. (1) A municipal corporation that intends to sell products or services commercially, use municipal equipment, materials and labour to carry out private works on private property, establish a business or encourage economic development must first, by bylaw, adopt a municipal market disruption policy and a conflict of interest policy.

No adverse effect

(2) A municipal corporation may not engage in an activity referred to in subsection (1) if it will have a serious adverse effect on one or more existing businesses in the municipality, as defined by its market disruption policy.

Market disruption policy

(3) The market disruption policy must

(a) define what constitutes a serious adverse effect on one or more existing businesses in the municipality; and
(b) establish a procedure for advising the public, including competing businesses, of any proposed activity referred to in subsection (1) and giving them an opportunity to make submissions.

PART IV LEGISLATIVE POWERS

General Powers

General legislative powers

72. (1) In addition to any power to make bylaws in any other Act, a municipal corporation may make bylaws for municipal purposes respecting

(a) the safety, health and welfare of people and the protection of people and property;
(b) people, activities and things in, on or near a public place or a place that is open to the public;
(c) public nuisances, including unsightly property;
(d) transport and local transportation systems;
(e) the management, use and protection of lands, including land use planning in accordance with the *Planning Act*;
(f) businesses, business activities and persons engaged in business;
(g) public utilities;
(h) programs, services, infrastructure and facilities provided or operated by or on

behalf of the municipal corporation;
(i) wild and domestic animals and activities in relation to them;
(j) the operation and internal management of the municipal corporation; and
(k) the enforcement of bylaws.

Limit on power to make bylaws

(2) The power of a municipal corporation to make bylaws is subject to all enactments of the Northwest Territories and Canada.

Conditions in specific bylaw powers

(3) The general powers to make a bylaw under this section are subject to any conditions on a power to make a specific bylaw set out elsewhere in this Act or any other enactment.

Effect of inconsistency

(4) A bylaw that is inconsistent with an enactment of the Northwest Territories or Canada, the bylaw is of no effect to the extent of the inconsistency.

Geographical limitation

73. (1) Subject to subsection (2), a bylaw applies only inside the boundaries of the municipality.

Exception

(2) If approved by the Executive Council on the recommendation of the Minister, a bylaw that serves the residents of the municipality may apply outside the boundaries of a municipality, but within the Northwest Territories, in respect of

(a) a public utility;
(b) an airport, aerodrome or facilities for them;
(c) fire protection services;
(d) ambulance services;
(e) recreation programs, services or facilities;
(f) a quarry; or
(g) a service or program delegated to the municipal corporation under a delegation agreement.

Exercising bylaw powers

74. For greater certainty, a bylaw may

(a) regulate or prohibit activities;
(b) create offences;
(c) adopt by reference, in whole or in part and with any changes the council considers necessary or advisable, a code or standard made or recommended by the Government of the Northwest Territories, Canada, a province, another territory or a recognized technical or professional organization, and require compliance with the code or standard;
(d) deal with any activity or thing in different ways, divide each of them into classes and deal with each class in different ways;
(e) establish fees or other charges for products, programs, services, public utilities, infrastructure and facilities provided or done by the municipal corporation or for the use of property under the ownership, direction, management or control of the municipal corporation;
(f) provide for a system of licences, permits or approvals, including
    (i) establishing fees that may be in the nature of a reasonable tax for the activity authorized or for the purpose of raising revenue,
    (ii) establishing higher fees for non-residents,
    (iii) prohibiting any activity or thing until a licence, permit or approval has been granted,
    (iv) providing that terms and conditions may be imposed on any licence, permit or approval, and specifying the nature of the terms and conditions and who may impose them.

(v) setting out the conditions that must be met before a licence, permit or approval is granted or renewed, the nature of the conditions and who may impose them, and

(vi) providing for the duration of licences, permits and approvals and for their suspension or cancellation for a failure to comply with a term or condition or the bylaw or for any other reason specified in the bylaw,

(g) provide for a right of appeal and specify the body that is to decide the appeal and related matters, unless a right of appeal is already provided in this or any other Act;

(h) provide for procedures, including inspections, for determining whether bylaws are being complied with; and

(i) provide remedies for contraventions of bylaws.

Bylaw Procedures

Amending or repealing bylaw

75. (1) Subject to this Act, a municipal corporation may, by bylaw, amend or repeal a bylaw.

Limit on amendment or repeal

(2) The power of a municipal corporation to amend or repeal a bylaw is subject to the same conditions as the power to make the bylaw.

Readings of bylaws

76. (1) A bylaw must have three distinct and separate readings to be effective.

Number of readings at meeting of council

(2) No council may give more than two readings to a bylaw at any one meeting of the council unless all council members are present at the meeting and they all agree to give the bylaw third reading at that meeting.

Requirement for written bylaw

(3) A council may not give a bylaw third reading unless the bylaw is in writing.

Requirements for bylaws

77. (1) To be effective, a bylaw must be

(a) in writing;

(b) under the corporate seal of the municipal corporation;

(c) signed by the mayor or other presiding council member; and

(d) signed by the senior administrative officer.

Effective date of bylaw

(2) Subject to this Act, a bylaw is effective on the date it meets the requirements of subsection (1) or at such later date as the bylaw may fix.

Proof

(3) A copy of a bylaw under the corporate seal of the municipal corporation and certified by the senior administrative officer to be a true copy is admissible in evidence without further proof of validity.

Availability of copies

78. (1) The senior administrative officer shall ensure that a copy of every bylaw is available to the public as soon as possible after it receives third reading.

Transmittal of copies

(2) The senior administrative officer shall forward a copy of every bylaw to the Minister, or his or her designate, not later than 10 days after it receives third reading.

Approval of Bylaws

Time for obtaining approval
79. (1) Where, under this or any other enactment, a bylaw requires the approval of the voters, the Minister or some other authority, that approval must be obtained after the bylaw is introduced but before it receives third reading.

Evidence of approval
(2) Evidence that a bylaw has been approved by the voters, the Minister or some other authority, must be shown by

(a) the person who approved it signing the bylaw; or
(b) where a signature is not practicable, the senior administrative officer certifying on the bylaw that the approval was obtained.

Procedure for obtaining voter approval
80. (1) Approval of the voters under this Act for a bylaw must be obtained in accordance with the provisions of the *Local Authorities Elections Act* respecting an election, with such modifications as the circumstances require.

Time
(2) After the proposed bylaw is introduced, the council shall seek approval of the voters for the bylaw by holding a vote on it at the next general election or such earlier date as council decides.

Public notice
(3) At least two weeks before the date of the vote, the municipal corporation must give public notice stating that the council is seeking the approval of the voters for proposed bylaw and describing the purpose of the bylaw.

Entitlement to vote
(4) All voters in the municipality are entitled to vote on whether to approve the proposed bylaw.

Appointment of scrutineers
(5) The mayor shall, if requested, appoint in writing a sufficient number of persons from among those who support and those who oppose the proposed bylaw to act as scrutineers at each voting station and at the final count of the ballots.

Powers and duties of scrutineers
(6) The persons appointed as scrutineers have the same powers and duties as agents of a candidate at an election.

Limit on re-submission for approval
81. If a bylaw requiring approval of the voters does not receive that approval, the municipal corporation may not submit another bylaw having the same purpose to the voters within six months after the vote, unless the Minister allows an exception.

Approval option
82. For greater certainty, a municipal corporation may submit any bylaw to the voters for approval, including a bylaw that was the subject of an insufficient petition.

Voter Petitions

Right to petition
83. (1) The voters in a municipality may petition the council to submit a bylaw to the voters for approval, if it is on a subject within the legislative powers of the municipal corporation.

Requirements for a petition
(2) A petition must consist of one or more pages, each of which must contain an identical statement of the purpose of the petition, and must include, in respect of each petitioner,

(a) the printed surname and printed given names or initials of the petitioner;
(b) the petitioner's signature;
(c) a declaration that the petitioner, is to the best of his or her knowledge, an eligible voter in the municipality; and
(d) the date on which the petitioner signs the petition.

Representative's statement

(3) The petition must have attached to it a signed statement of a person stating that

(e) the person is the representative of the petitioners; and
(f) the person will respond to inquiries about the petition from the municipal corporation.

Counting petitioners

84. (1) A petition must be filed with the senior administrative officer, who is responsible for determining if the petition is sufficient.

Cut off

(2) No name may be added to or removed from a petition after it has been filed with the senior administrative officer.

Excluding names

(3) When counting the number of petitioners on a petition, the senior administrative officer shall exclude any person

(a) whose signature appears on a page of the petition that does not have the same purpose statement contained on all the other pages of the petition;
(b) whose printed name is not included or is incorrect;
(c) whose signature is not dated;
(d) who is not an eligible voter; or
(e) who signed the petition more than 60 days before the date on which the petition was filed with the senior administrative officer.

Report on sufficiency of petition

85. (1) Within 30 days after the date on which a petition is filed, the senior administrative officer shall report to the council on whether the petition meets the requirements of this Act.

Insufficient petition

(2) If a petition does not meet the requirements of this Act, the council is not required to take any notice of it.

Action by council

86. (1) If at least 25% of the voters in the municipality have signed the petition, the council shall

(a) cause a bylaw conforming to the subject matter and intent of the petition to be prepared and read a first time;
(b) cause a copy of the bylaw to be forwarded to the Minister; and
(c) submit the bylaw to the voters for approval.

Duty to make bylaw

(2) If the bylaw referred to in subsection (1) receives approval of the voters, and the approval of the Minister where necessary, the bylaw as submitted shall be given second and third reading by the council within four weeks after the vote, without any alteration being made in the bylaw affecting its substance.

Time for holding vote

87. (1) If a petition to submit a bylaw for approval of the voters is filed with the senior administrative officer within 12 months before a general election, the municipal corporation may direct that the vote be conducted at the general election.

Limit on petitions on same subject

(2) If approval of the voters was sought for a bylaw as a result of a petition, the municipal corporation may

refuse to receive any further petition on the same or a similar subject filed within one year after the date of the vote.

Bylaw made as a result of petition

88. A bylaw that received approval of the voters as a result of a petition may be amended or repealed only if

(a) the proposed amendment or repeal also receives approval of the voters; or

(b) at least three years have passed since the bylaw was made.

Quashing and Disallowing Bylaws and Resolutions

Application to quash

89. (1) Any person resident in the municipality or adversely affected by a resolution or bylaw may apply to the Supreme Court for an order quashing the resolution or bylaw.

Originating notice

(2) The application must be made by way of by originating notice in accordance with the *Rules of the Supreme Court of the Northwest Territories*.

Disallowance

90. The Minister, on the recommendation of the Executive Council, may disallow any bylaw for any reason within one year after the bylaw receives third reading.

Land Administration Bylaw

Land administration bylaw

91. (1) A land administration bylaw must provide for the procedures, terms and conditions for

(a) the purchase, lease or other acquisition of real property by the municipal corporation;

(b) the use, holding or development of real property owned by the municipal corporation; and

(c) the sale, lease or other disposition of real property owned by the municipal corporation.

Ministerial approval

(2) A land administration bylaw must be approved by the Minister.

Public notice and hearing

(3) Before giving third reading to a land administration bylaw, the council shall

(a) give at least two weeks public notice of the proposed land administration bylaw; and

(b) hear any person claiming to be affected by the bylaw who wishes to be heard.

Transport and Transportation Systems

Authority over municipal roads

92. (1) A municipal corporation may make bylaws only in respect of the following roads in the municipality:

(a) a road shown on a plan of survey registered under the *Land Titles Act*;

(b) a road on public land that is designed or intended for or used by the public but is not shown on a plan of survey registered under the *Land Titles Act*;

(c) a road on private land dedicated for public use by the owner by instrument in writing and adopted, by bylaw, as a municipal road;

(d) a road maintained at the expense of the municipal corporation on a frozen body of water or watercourse; and

(e) a road outside the municipality but designated as a municipal road by order of the Minister.

Primary highway

(2) Bylaws may be made in respect of a primary highway designated under the *Public Highways Act* in accordance with an agreement made under that Act.

Incidental powers

(3) For greater certainty, a bylaw may

(a) classify municipal roads for any purpose the council considers necessary;
(b) adopt as a municipal road any road on private land dedicated for public use by the owner by instrument in writing;
(c) designate parts of municipal roads as sidewalks, curbs, medians and other component parts;
(d) provide for the naming or numbering of municipal roads and the numbering of buildings;
(e) provide for the construction of
  (i) roads on municipal land;
  (ii) roads on land expropriated for that purpose under the *Expropriation Act*; and
  (iii) works on municipal roads;
(f) provide for the repair of municipal roads and works on municipal roads;
(g) provide for the removal of snow, ice, dirt, garbage or other obstructions from municipal roads by
  (i) the municipal corporation,
  (ii) the owner or occupier of property adjacent to the municipal road, or
  (iii) any person responsible for depositing it on the municipal road; and
(h) prohibit and provide for the removal of encroachments, obstructions and nuisances on municipal roads.

Duty to repair roads and places

93. A municipal corporation shall keep each road and other public place that is subject to its direction, control or management, including works in, on or above the road or public place put there by the municipal corporation or by any other person with the permission of the municipal corporation, in a state of reasonable repair, having regard to the character of the road, place or work and the area of the municipality in which it is located.

Opening and closing roads

94. (1) A by bylaw may provide for the opening and closing of municipal roads.

Right to compensation and access

(2) A municipal corporation may not close a municipal road if it prevents a person from entering or leaving his or her real property or residence, unless the council provides the person with reasonable compensation and another convenient means of access.

Temporary closure

(3) A municipal corporation may, by resolution, temporarily close a municipal road for a fixed period of time.

Notice of closure

(4) Where a municipal corporation temporarily closes a municipal road, it shall

(a) cause signs or signal devices to be erected to warn traffic of the closure;
(b) give public notice of the closure; and
(c) provide any person who would be prevented from entering or leaving his or her real property or residence with other convenient means of access.

Public notice and hearing

95. Before giving third reading to a bylaw that will open, establish, close, widen, divert or dispose of a municipal road, the council shall

(a) give public notice of the proposed bylaw at least two weeks in advance; and

(b) hear any person claiming to be affected by the bylaw who wishes to be heard.

Operation of airports

96. (1) A municipal corporation may, under a licence and agreement referred to in subsection (2), make bylaws

(a) respecting the operation of airports or aerodromes and facilities for them; and

(b) respecting other matters that are necessary to implement or operate the agreement or arising as a result of the agreement.

Airport licence

(2) A bylaw referred to in subsection (1) may only be made under the authority of

(a) one or more licences issued under the *Aeronautics Act* (Canada); and

(b) an agreement with the owner of the airport or aerodrome.

Municipal Services

Establishment and regulation of systems

97. (1) A bylaw may

(a) establish a water distribution system for the supply of water for drinking and other purposes in the municipality;

(b) establish a sewage system to collect, convey and dispose of sewage;

(c) establish a drainage system to collect, convey and dispose of surface and other waters;

(d) regulate the design and installation of a water distribution system or a sewage or drainage system owned or operated by persons other than the municipal corporation;

(e) regulate the operation, maintenance and alteration of a water distribution system or a sewage or drainage system established or acquired by the municipal corporation; and

(f) prohibit or regulate the discharge of substances and liquids into a water distribution system or a sewage or drainage system.

Source of funding

(2) A bylaw made under subsection (1) must state the sources of funding for all costs that will be incurred by the municipal corporation as a result of the bylaw.

Mandatory connection to system

98. (1) A bylaw may require the owners of real property to connect their buildings and structures to a water distribution system or a sewage or drainage system in the municipality in the manner required by the bylaw.

Costs of connection

(2) A bylaw may impose a charge on the owner of real property for the costs incurred by the municipal corporation in providing a connection between a water distribution system or a sewage or drainage system and the edge of the real property to be served.

Municipal services agreements

99. A municipal corporation may enter into a municipal services agreement to provide public utilities or services to persons outside the municipality.

Utility Franchises

Grant of franchises

100. (1) A bylaw may grant a franchise to a person and authorize the person to provide public utilities to persons in the municipality.

Terms and conditions

(2) A franchise may be exclusive or not and may be granted on the terms and conditions that the council

considers necessary or advisable.

Incidental powers

(3) A franchise may authorize the person providing the public utility to construct, operate or remove poles, wires, conduits, buildings, structures or vehicles on municipal roads or in public places.

Voter approval

(4) Unless exempted under subsection (5), a bylaw made under this section must receive approval of the voters.

Exemption from voter approval

(5) The Minister may, by order at the request of a council, exempt a bylaw made under this section from the need for approval of the voters.

Term

101. (1) A municipal corporation may not grant a franchise for a term exceeding 20 years.

Renewal

(2) A municipal corporation may, from time to time, by bylaw, renew the term of a franchise for further terms not exceeding 10 years each.

Action on expiration of franchise

(3) If a franchise is not renewed, a municipal corporation may, with the approval of the Minister, purchase any or all of the rights under the franchise and any or all property used in connection with the franchise on terms agreed upon by the parties or, failing agreement, on terms determined by a sole arbitrator under the *Arbitration Act*.

Limitations on Powers

Prohibition on exemptions

102. Unless specifically authorized by an enactment, no municipal corporation may grant a specific person an exemption from

(a) any tax, rate, rent or other charge payable to the municipal corporation; or
(b) the application of a bylaw.

Limit on powers after election day

103. (1) During the period commencing on election day and ending on the day the term of new council members begins, no council or council member may

(a) make a bylaw or resolution that will result, directly or indirectly, in an expenditure not set out in the budget for the current fiscal year;
(b) enter into a contract or obligation on behalf of the municipal corporation; or
(c) appoint or dismiss any officer.

Exception

(2) Notwithstanding subsection (1), a council or council member may do those things referred to in that subsection if

(a) it is in the public interest and is urgently required; or
(b) it is authorized by a bylaw made before the election day.

PART V FINANCIAL AFFAIRS

Budgets

Fiscal year

104. The fiscal year for a municipal corporation is the calendar year.

Adoption of budget

105. (1) A council shall, by resolution, before each fiscal year, adopt a budget for the fiscal year.

Content of budget

(2) The budget must include estimates of

(a) all expenditures to be incurred by the municipal corporation, including
  (i) payments in respect of debts,
  (ii) operating expenditures,
  (iii) capital expenditures, and
  (iv) grants;
(b) all revenues to be received by the municipal corporation, including
  (i) charges for municipal services, and
  (ii) grants and contributions;
(c) all taxes that may be collected by the municipal corporation and forwarded under the *Property Assessment and Taxation Act* or the *Education Act*; and
(d) any sum required to meet a deficit of the municipal corporation, if any, in the preceding fiscal year.

Guidelines

(3) The municipal corporation must follow any guidelines issued by the Minister regarding the form and content of budgets.

Public access to budgets

106. (1) A municipal corporation shall make a copy of the current budget available to the public.

Forwarding copy of budget

(2) A council shall ensure that a copy of the budget is forwarded to the Minister or his or her designate.

Surplus

107. (1) A municipal corporation may save any surplus at the end of a fiscal year for use in future fiscal years.

Deficit

(2) A municipal corporation shall eliminate any deficit at the end of a fiscal year by the end of the next fiscal year, unless the deficit is authorized by its debt management plan.

Expenditures and Disbursements

Expenditure control

108. (1) No person shall, on behalf of the municipal corporation, incur an expenditure that is not included in, or is inconsistent with, the budget for the fiscal year.

Exception

(2) A person may incur an expenditure on behalf of the municipal corporation, notwithstanding that the council has not yet adopted a budget or the expenditure is not included or is inconsistent with the budget, if

(a) the municipal corporation is legally obligated to incur the expenditure; or
(b) the council has expressly authorized the expenditure by resolution.

Use of borrowed money

109. No person shall expend any money borrowed or acquired under any long-term debt entered into by a municipal corporation, for a purpose other than those set out in the bylaw authorizing the long-term debt.

Deposit of money

110. (1) The senior administrative officer shall ensure that all money received by or on behalf of the municipal corporation is deposited to the credit of the municipal corporation in accounts in financial institutions designated by the council.

Disbursements

(2) A disbursement of money belonging to the municipal corporation must be made by a cheque or other

negotiable instrument that is
- (a) drawn on or made from an account referred to in subsection (1);
- (b) signed or authorized by the mayor or a councillor designated by the council; and
- (c) signed or authorized by the senior administrative officer.

Reproduction of signatures

(3) The signature of any person referred to in paragraph (2)(b) or (c) may, if authorized by bylaw, be engraved, lithographed, printed or mechanically reproduced for the purpose of issuing cheques.

Petty cash funds and imprest bank accounts

(4) Notwithstanding subsection (2), a municipal corporation may authorize the establishment and use of petty cash funds and imprest bank accounts.

General municipal fund

111. (1) A municipal corporation must have a general municipal fund to record all transactions and balances related to the general operations of the municipal corporation.

Other funds

(2) In addition to the general municipal fund, one or more other funds may be established by bylaw for the purpose of carrying on specific activities or achieving specific objectives.

Matters relating to other funds

(3) A municipal corporation shall, by bylaw, in respect of each fund established under subsection (2),
- (a) designate the name of the fund;
- (b) describe the purpose of the fund;
- (c) describe what the fund will be composed of;
- (d) describe the specific purposes of any reserves that will be created under the fund; and
- (e) make such rules governing the operation of the fund as the council considers necessary or advisable.

Reserves

112. (1) A council may segregate portions of a fund established under subsection 111(2) as reserves for specific future purposes.

Matters relating to reserves

(2) A council shall, in respect of each reserve created under subsection (1),
- (a) designate the name of the reserve;
- (b) describe what the reserve will be composed of; and
- (c) make such rules governing the operation of the reserve as the council considers necessary or advisable.

Indemnities and allowances to council members

113. (1) Payments for the following matters may only be made pursuant to a bylaw that is made with the approval of the Minister:
- (a) an annual indemnity to the mayor;
- (b) an annual indemnity to the councillors;
- (c) an honorarium to council members for attending meetings of council or committees of council or for performing any other duties;
- (d) a reasonable allowance for expenses necessarily incurred in the performance of a council member's duties; and
- (e) a retirement, death or disability benefit to the mayor and councillors.

Public notice

(2) Before giving third reading to a bylaw under subsection (1), the council shall give two weeks public notice of the proposed bylaw.

Financial Statements

Preparation of financial statements
114. (1) The senior administrative officer shall ensure that the financial statements of the municipal corporation are prepared for each fiscal year.

Requirements of financial statements
(2) The financial statements must be prepared
(a) in accordance with an appropriate disclosed basis of accounting;
(b) on a basis consistent with that of the preceding fiscal year or on another disclosed basis;
(c) in accordance with the generally accepted accounting principles recommended for municipal governments from time to time by the Canadian Institute of Chartered Accountants; and
(d) in accordance with any supplementary standards or any modifications of the principles referred to in paragraph (c) set out in guidelines issued by the Minister.

Content of financial statements
(3) The financial statements must include a statement showing the amount of compensation, expenses and any other payment made to each council member, or to each member of a committee of council, in sufficient detail that the type of each payment and the total amount of payments made to or on behalf of each member can be determined.

Time of submission
(4) The financial statements must be submitted to the Minister no later than 120 days after the end of the fiscal year.

Auditor
115. (1) A council shall appoint an auditor for the municipal corporation.

Qualifications
(2) The auditor must be a person entitled to practice as an accountant under
(a) the *Institute of Chartered Accountants Act*;
(b) the *Certified General Accountants Association Act*; or
(c) the *Society of Management Accountants Act*.

Disqualifications
(3) No person may be appointed as an auditor if, at the time of appointment or during the current or preceding fiscal year, the person or an employee or partner of the person was a council member or an officer of the municipal corporation.

Notice of appointment
(4) A municipal corporation shall give written notice to the Minister of the appointment or revocation of an auditor, within 30 days after the appointment or revocation.

Compulsory revocation of appointment
(5) The Minister may, by written notice, require a council to revoke the appointment of an auditor if, in the opinion of the Minister, the auditor
(a) is incapable of, or unable to, satisfactorily performing the duties of auditor; or
(b) has failed to satisfactorily carry out his or her duties under this Act.

Report of auditor
116. (1) An auditor shall report annually to the council on the results of his or her examination of the accounts and financial statements of the municipal corporation and shall
(a) state whether, in his or her opinion,
(i) the financial statements present fairly the financial position as at the end of the fiscal year and the results of the operations

and the changes in financial positions for that fiscal year, in accordance with an appropriate disclosed basis of accounting consistently applied,

(ii) proper books of account have been kept and the financial statements are in agreement with the books of account, and

(iii) the transactions that have come under his or her notice are in accordance with this Act and the regulations, and the bylaws of the municipal corporation; and

(b) report on any other matter falling within the scope of his or her examination that, in his or her opinion, should be commented on.

Powers of auditor

(2) An auditor may require any council member or any employee

(a) to produce all records kept in respect of the administration of the municipal corporation; and

(b) to provide such information and explanations as the auditor considers necessary.

Place of audit

(3) An auditor must conduct the audit in the municipality, unless he or she obtains the permission of the council or a judge of the Supreme Court to conduct it elsewhere.

Public access to financial statements

117. A copy of the municipal corporation's financial statements and auditor's reports must be made available to the public.

Borrowing Money

Procedure

118. (1) Notwithstanding any other enactment, a municipal corporation may only borrow money in accordance with this Act.

Municipal purpose

(2) A municipal corporation may only borrow money for a municipal purpose.

Other purposes

(3) For greater certainty, the borrowing of money by a municipal corporation authorized under another enactment, including the *Northwest Territories Housing Corporation Act*, shall be considered a municipal purpose.

Other requirements

(4) A municipal corporation that borrows money under the authority of another enactment must, in addition to the requirements of this Act, comply with the provisions governing borrowing of that enactment.

Borrowing limits

119. (1) A municipal corporation may not borrow money that exceeds the limits for short-term or long-term borrowing established by the regulations.

Bylaw

(2) All borrowing of money by a municipal corporation must be authorized by a bylaw that provides for those administrative matters in respect of the borrowing that the council considers necessary or advisable.

Short-term borrowing

120. (1) A municipal corporation may borrow money for a short-term period if the amounts are used to meet expenditures lawfully authorized to be incurred during the fiscal year but which cannot be met from current revenues.

Form of borrowing

(2) The short-term borrowing of money under subsection (1) may be entered into by way of overdraft, line

of credit, temporary loan, unsecured note or other arrangement.

Long-Term Debt

Long-term borrowing
121. (1) A municipal corporation may borrow money for a long-term period only for capital purposes.

Possible lenders
(2) A municipal corporation may borrow money for a long-term period only from a prescribed lender or a lender who is a member of a prescribed class of lenders.

Bylaw needed
122. (1) A municipal corporation may borrow money on a long-term basis only if the long-term debt to be created is specifically authorized by a bylaw.

Content of long-term debt bylaw
(2) A bylaw authorizing a long-term debt must
(a) set out the principal amount to be borrowed;
(b) set out the specific purpose for which the money is being borrowed;
(c) set out the maximum term of any security or debt instrument to be issued or entered into in respect of the proposed long-term debt; and
(d) authorize the creation of the proposed long-term debt and the issue or entering into of securities or debt instruments in amounts not exceeding in total the amount to be borrowed.

Administrative matters
(3) A bylaw authorizing a long-term debt may provide for
(a) resetting the payment rate, interest rate or financing costs, from time to time; and
(b) such administrative matters in respect of the proposed long-term debt as the council considers necessary or advisable.

Information to Minister
(4) Before the municipal corporation enters into any long-term debt, the senior administrative officer shall forward to the Minister
(a) a copy of any proposed security or debt instrument in respect of the long-term debt; and
(a) a description of the sources of revenues that the municipal corporation proposes to use to make the required payments under the long-term debt.

Approvals
123. (1) Subject to this section, no long-term debt has effect unless the bylaw specifically authorizing it is approved by the voters and the Minister.

Exemptions from voter approval
(2) A bylaw authorizing a long-term debt does not require approval of the voters if
(a) the Minister orders that it be exempt from voter approval in accordance with criteria established by the regulations; or
(b) the amount of the proposed long-term debt is below the prescribed limit.

Exemption from Ministerial approval
(3) A bylaw authorizing a long-term debt does not require the approval of the Minister if
(a) the proposed long-term debt is authorized by the municipal corporation's debt management plan; or
(b) the proposed long-term debt is to be used to refinance or consolidate one or more existing long-term debts.

Refinancing exemption

(4) A bylaw authorizing a long-term debt is exempt from approval of the voters or Minister if

(a) the long-term debt is to be used to refinance an existing long-term debt that was itself exempt from that approval;

(b) the principal amount to be borrowed does not exceed the principal amount borrowed under the long-term debt being refinanced;

(c) the term of any security or debt instrument to be issued or entered into does not exceed the term of those being refinanced; and

(d) the total amount of principal and interest payable does not exceed the amount of principal and interest that was payable over the term of the long-term debt being refinanced.

Securities and debt instruments

124. (1) Any security or debt instrument issued or entered into by a municipal corporation in respect of a long-term debt must be

(a) issued or entered into in accordance with a bylaw;

(b) signed by the mayor or by a councillor designated by the council;

(c) signed by the senior administrative officer; and

(d) issued or entered into under the corporate seal of the municipal corporation.

Evidence

(2) The Minister may, if satisfied that the requirements of this Act have been met, provide a letter to the municipal corporation certifying that a security or debt instrument respecting a long-term debt was properly issued or entered into and, in the absence of evidence to the contrary, that letter is proof that the security or debt instrument was issued or entered into in accordance with this Act.

Validity

(3) The validity of the security or debt instrument certified by the Minister under subsection (2) shall not be questioned by any court and is, to the extent of the revenues of the municipal corporation, a good and indefeasible security or instrument in the hands of any person holding it in good faith.

Term of long-term debt

125. (1) If a long-term debt is being created by a municipal corporation to acquire or use an asset

(a) the term of the long-term debt must be no greater than the expected life of the asset; and

(b) the entire cost of the asset must be paid out over the term of the long-term debt, unless otherwise authorized by bylaw.

Repayment of unexpended money

(2) A municipal corporation must repay the unexpended balance of any long-term debt with the Government of the Northwest Territories within 60 days after the purposes for which the money was borrowed were achieved.

Repayment of borrowed money

(3) A municipal corporation must repay any money it borrowed from the Government of the Northwest Territories for a long-term period in accordance with the repayment terms established by the Government of the Northwest Territories at the time of borrowing.

Long-term financial commitments

126. A municipal corporation may enter into a long term financial commitment in the same manner and subject to the same conditions as a long-term debt and the provisions of this Act respecting long-term debt apply to long-term financial commitments with such modifications as the circumstances require.

Regulations

127. (1) The Commissioner, on the recommendation of the Minister, may make regulations

(a) prescribing the maximum amounts that a municipal corporation may borrow on a short-term or long-term basis;

(b) requiring additional conditions before a long-term debt or long-term financial commitment is entered into by a municipal corporation; and

(c) establishing criteria for exempting a long-term debt or long-term financial commitment from approval of the voters.

Specific regulation

(2) A regulation made under this section may be specific to, or distinguish among, one or more different municipal corporations.

Debt Management Plans

Debt management plan

128. (1) A municipal corporation may, by bylaw with the approval of the Minister, adopt a plan to responsibly manage the municipal corporation's debt.

Term of plan

(2) A debt management plan may not have a term exceeding five years.

Contents of plan

(3) A debt management plan must include the prescribed information.

Review

(4) A council shall review the municipal corporation's debt management plan not less than once every five years.

Public access

(5) A copy of the municipal corporation's debt management plan must be made available to the public.

Local Improvements

Undertaking local improvements

129. (1) A municipal corporation may only undertake a local improvement if it is authorized by a bylaw.

Contents of bylaw

(2) A bylaw authorizing a local improvement must set out

(a) the nature of the local improvement;

(b) which parcels of real property the council considers will principally benefit from the local improvement;

(c) the total estimated costs of the local improvement and the nature of those costs;

(d) the proportion of the costs that would be financed by

  (i) a local improvement charge levied against the real property principally benefiting from the local improvement,

  (ii) general revenues of the municipal corporation, and

  (iii) any short-term debt and long-term debt;

(e) the total estimated amount of the local improvement charges to be levied;

(f) the period over which the local improvement charges would be payable; and

(g) the conditions on which the local improvement charges, in respect of a parcel of real property, could be paid in a lump sum.

Public hearing and notice

130. (1) Before second reading of a local improvement bylaw, a council shall

(a) hold a public hearing on the local improvement bylaw;

(b) give at least 14 days public notice of the purpose, date, time and place of the hearing; and

(c) ensure that notice of intent to make the local improvement bylaw is sent to every person who would be required to pay any local improvement charges.

Content of notice

(2) The notice of intent referred to in paragraph (1)(c) must be in writing and include

(a) a description of the local improvement;
(b) an estimate of its costs;
(c) an estimate of the local improvement charges; and
(d) a description of the options for payment of the local improvement charges.

Consent of affected persons

131. (1) Before third reading of a local improvement bylaw, a municipal corporation must obtain written consent to the making of the local improvement bylaw from at least 60% of the persons who would be required to pay the local improvement charges.

Majority value

(2) For the consent to be sufficient, the persons referred to in subsection (1) must represent at least 50% of the assessed value of all real property in respect of which the local improvement charges will be levied.

Certification of consent

(3) The senior administrative officer shall certify to the council whether the consent required by this section has been obtained.

Exemption from voter approval

132. (1) A long-term debt created for the purpose of financing a local improvement does not require approval of the voters if

(a) the costs of the long-term debt are completely financed by local improvement charges; and
(b) the local improvement bylaw receives the consent of the persons who would be required to pay local improvement charges in accordance with section 131.

Approval of Minister

(2) For greater certainty, a long-term debt created for the purpose of financing a local improvement requires the approval of the Minister, unless otherwise exempt from that approval under section 123.

Levy of local improvement charges

133. (1) After a local improvement is complete, a municipal corporation may, by bylaw,

(a) establish the method for assessing the amount of the local improvement charge;
(b) establish the amount and manner of payment of the local improvement charges; and
(c) authorize the levy of a local improvement charge against the real property that, in the opinion of the council, principally benefits from the local improvement.

Use of local improvement charges

(2) A municipal corporation shall use local improvement charges only for the purpose of financing a local improvement.

Other source of financing

(3) A municipal corporation may finance a portion of the costs of a local improvement from the general revenue of the municipal corporation.

Forgiveness of Debts

Bylaw requirement

134. (1) A municipal corporation may only forgive a debt if the forgiveness is specifically authorized by a bylaw.

Contents of bylaw

(2) A bylaw that forgives a debt owed to the municipal corporation must set out

(a) the name of the debtor;

(b) the date the debt was incurred;
(c) the nature of the debt;
(d) the amount of the debt; and
(e) the reason for the forgiveness.

Conditions

(3) A municipal corporation may only forgive a debt owed to it, in whole or in part, if

(a) the council is satisfied that the debt is not collectable or there are other reasons justifying the forgiveness of the debt; and
(b) in the case of a debt in respect of property taxes, the bylaw is approved by the Minister and no special lien attaches against land for non-payment of the property taxes.

Public notice

(4) Before giving a bylaw that forgives a debt third reading, the council shall give at least 30 days public notice of the bylaw.

Effect of forgiveness

(5) Once a debt owed to the municipal corporation is forgiven in accordance with this section, the obligation to pay it ceases.

Grants

Grants

135. (1) A municipal corporation may make a grant only by a resolution of the council for a purpose that the council considers will benefit residents of the municipality.

Maximum amount

(2) The total amount of all grants made by a municipal corporation in a fiscal year may not exceed 2% of the total expenditures of the municipal corporation as set out in its budget.

Public notice

(3) Before making a grant to any person or group not resident in the municipality, the council shall first give at least 14 days public notice of the grant.

Loans and Guarantees

Loans and guarantees bylaws

136. A municipal corporation may only lend money or guarantee the repayment of a loan if it is authorized by

(a) a bylaw made with the approval of the Minister; and
(b) a delegation agreement or alternate service delivery agreement.

Recipients of loans

137. (1) A municipal corporation may only lend money to

(a) a charter community, hamlet, village, town, city or settlement corporation within the Northwest Territories; or
(b) a board, commission or corporation jointly controlled by one or more charter communities, hamlets, villages, towns, cities or settlement corporations within the Northwest Territories.

Contents of loan bylaw

(2) A bylaw authorizing a loan must set out

(a) the principal amount of money to be lent;
(b) the purpose for which the money is to be used;
(c) the minimum rate of interest on the loan;
(d) the term of the loan;

(e) the terms of repayment of the loan; and
(f) the source or sources of the money to be lent.

Recipients of guarantees

138. (1) A municipal corporation may only guarantee the repayment of a loan that is made to
(a) a charter community, hamlet, village, town, city or settlement corporation within the Northwest Territories; or
(b) a board, commission or corporation jointly controlled by one or more charter communities, hamlets, villages, towns, cities or settlement corporations within the Northwest Territories.

Contents of guarantee bylaw

(2) A bylaw authorizing a guarantee shall set out
(a) the amount of money to be borrowed under the loan to be guaranteed;
(b) the purpose for which the money is borrowed;
(c) the rate of interest under the loan or how the rate of interest is calculated, the term and the terms of repayment of the loan; and
(d) the source of the money that would be used to pay any principal and interest owing under the guarantee.

Investments

Authorized investments

139. (1) A senior administrative officer may, if authorized by the council, invest surplus money belonging to the municipal corporation in
(a) securities issued or guaranteed by
    (i) the Government of Canada or an agency of the Government of Canada, or
    (ii) the government of a province or territory or an agency of the government of a province or territory;
(b) securities the payment of which is a charge on the Consolidated Revenue Fund of the Government of Canada, a province or territory;
(c) securities of a municipal government in Canada;
(d) securities of a Canadian municipal participation corporation;
(e) securities issued or guaranteed by a bank, credit union or trust corporation;
(f) securities that are insured by the *Canada Deposit Insurance Corporation Act*;
(g) investments authorized by the Minister by regulation; and
(h) units in pooled funds of any of the investments described in paragraphs (a) to (g).

Pooled funds

(2) A municipal corporation may, if authorized by a delegation agreement, form a pooled investment fund with a charter community, city, hamlet, town or village or any other prescribed entity.

Authorized investments

(3) The money in a pooled investment fund may be used only to make investments authorized under subsection (1).

Investment plan

140. (1) A municipal corporation may, by bylaw, adopt a plan to manage its investments and surplus.

Approval

(2) The bylaw adopting an investment plan must receive the approval of the Minister.

Term

(3) A municipal corporation's investment plan may not have a term exceeding five years.

Contents of plan

(4) A municipal corporation's investment plan must include the prescribed information.

Public access

(5) A copy of the municipal corporation's investment plan must be made available to the public.

Location of investments

141. (1) A municipal corporation may invest in projects outside the municipality, if the investment is approved by the Minister or authorized by the municipal corporation's investment plan.

Regulations

(2) The Commissioner in Executive Council may make regulations

(a) prescribing standards and guidelines for investments made by a municipal corporation; and

(b) governing the content, term and approval process for a municipal corporation's investment plan.

Public Hearing

Public hearing

142. (1) A council shall hold a public hearing before making a local improvement bylaw or a bylaw to adopt an investment plan or a debt management plan.

Public notice

(2) After giving first reading to a proposed bylaw to adopt a investment plan or a debt management plan, and before giving it second reading, a council shall give public notice of

(a) the purpose of the bylaw;

(b) the place or places where a copy of the proposed bylaw and the plan may be inspected by the public;

(c) the time and place at which the council will hold a public hearing on the proposed bylaw; and

(d) any procedural requirements for submissions.

Availability of proposed bylaw and plan

(3) A copy of the proposed bylaw and plan must be made available to the public.

Submissions

(4) Before giving public notice under subsection (2), a council may establish the procedure to be followed by persons who wish to submit representations to the council concerning the bylaw, including

(a) requiring the submission of written representations to the council prior to the public hearing; and

(b) regulating the presentation of oral submissions at the public hearing.

Deadline for hearing

(5) The public hearing must be held not be less than 10 days after the giving of public notice.

Hearing

(6) A council shall hold a public hearing at the time and place stated in the public notice, and at the hearing shall hear

(a) any person or group who wishes to make representations concerning the proposed bylaw; and

(b) any designate of the Minister.

Multiple hearings

(7) A council may hold more than one public hearing, if public notice is given of the time and place of each public hearing.

PART VI LIABILITY AND ENFORCEMENT

Limitations on Liability

Protection for council members
143. (1) Subject to the *Conflict of Interest Act* and excluding anything said or brought with malicious intent, no council member is liable to any civil action, prosecution, arrest, imprisonment or damages by reason of

(a) anything said by the council member in a meeting of council or a committee of council; or
(b) anything brought before council or a committee of council by the council member.

Protection from liability
(2) Subject to the *Conflict of Interest Act*, the following persons are not personally liable for loss or damage by reason of anything said or done or omitted to be done in the performance or intended performance of his or her functions, duties or powers under this Act:

(a) a council member;
(b) a member of a committee of council;
(c) a member of a board, commission or other body established by the municipal corporation under this Act;
(d) an officer;
(e) a volunteer member of a fire, ambulance or emergency measures organization established by the municipal corporation;
(f) a volunteer delivering a service on behalf of the municipal corporation under the supervision of an employee of the municipal corporation.

Exemption
(3) Subsection (2) is not a defence where

(a) the cause of action is defamation; or
(b) the person was dishonest, grossly negligent or guilty of wilful misconduct.

Liability of municipal corporation
(4) This section does not affect the legal liability of the municipal corporation.

Liability for acting in accordance with statutory authority
144. (1) Subject to this Act and any other enactment, a municipal corporation is not liable for loss or damage caused by any thing done or not done by the municipal corporation in accordance with the authority of this Act or any other enactment, unless the cause of action is negligence or any other tort.

Non-negligence actions
(2) A municipal corporation is not liable in an action based on nuisance, or on any other tort that does not require a finding of intention or negligence, for any loss or damage arising, directly or indirectly, from roads, dikes, ditches or dams or from the operation or non-operation of a public utility.

Exercise of discretion
(3) A municipal corporation with discretion to do something is not liable for exercising, in good faith, its discretion not to do it.

Inspections and maintenance
(4) A municipal corporation is not liable for loss or damage caused by

(a) an inspection or maintenance system;
(b) the manner of performing inspections or maintenance; or
(c) the frequency, infrequency or absence of inspections or maintenance.

Remedying the contravention of bylaws
145. A municipal corporation is not liable for loss or damage caused by it in remedying, or attempting to remedy, a contravention of a bylaw, unless the municipal corporation is grossly negligent.

Snow on roads

146. (1) A municipal corporation is not liable for loss or damage caused by snow, ice or slush on roads or sidewalks in the municipality, unless the municipal corporation is grossly negligent.

Things on or adjacent to roads

(2) A municipal corporation is not liable for loss or damage caused

(a) by the presence, absence or type of any wall, fence, guardrail, railing, curb, pavement markings, traffic control device, illumination device or barrier adjacent to or in, along or on a road, or

(b) by or on account of any construction, obstruction or erection or any situation, arrangement or disposition of any earth, rock, tree or other material or thing adjacent to or in, along or on a road that is not on the travelled portion of the road.

Liability for disrepair

147. (1) A municipal corporation is liable for loss and damage caused by the municipal corporation failing to perform its duty under subsection 93 if the municipal corporation knew or should have known of the state of disrepair.

Other roads

(2) This section does not apply to any road made or laid out by a private person or any work made to or done on a road or place by a private person until the road or place is subject to the direction, control and management of the municipal corporation.

Other persons

(3) A municipal corporation is not liable under this section in respect of acts done or omitted to be done by persons exercising powers or authorities conferred on them by law if the municipal corporation had no control over those persons and is not a party to those acts or omissions.

Exclusions

(4) A municipal corporation is not liable under this section if

(a) the municipal corporation proves that it took reasonable steps to prevent the disrepair from arising; or

(b) the loss or damage suffered by the claimant is the same as that suffered by all other persons affected by the state of disrepair.

Traffic control devices

(5) If the loss or damage was caused by the removal, destruction or defacement of a traffic control device by someone other than an employee or agent of the municipal corporation, the municipal corporation is liable under this section only if it

(a) had actual notice of the defacement, removal or destruction; and

(b) failed to restore, repair or replace the traffic control device in a reasonable period of time.

Notice without delay

148. (1) A person who brings an action referred to in sections 146 and 147 must notify the municipal corporation of the event that gives rise to the action within 30 days after the occurrence of the event or within such longer period of time as the municipal corporation may establish by bylaw.

Exception

(2) Failure to notify the municipal corporation within the time required by subsection (1) bars the action unless

(a) there is a reasonable excuse for the lack of notice and the municipal corporation is not prejudiced by the lack of notice;

(b) the loss or damage complained of is the death of a person; or

(c) the municipal corporation waives, in writing, the requirement for notice.

Limitation period

149. An action referred to in sections 146 and 147 may not be commenced later than two years after the loss or the damage was sustained.

Enforcement

Bylaw officers
150. (1) A council may appoint bylaw officers to enforce any or all of its bylaws and establish their specific duties.

Duty to enforce bylaws appointed to enforce
(2) A bylaw officer shall enforce those bylaws of the municipal corporation that he or she is appointed to enforce under subsection (1).

Duty to enforce other Acts
(3) A bylaw officer is an officer as defined in the *Motor Vehicles Act* and shall enforce that Act and the *All-terrain Vehicles Act*.

Municipal prosecutions
151. A bylaw officer may represent the municipal corporation before a justice of the peace in the prosecution of a person charged with an offence under a bylaw.

Property Entry and Inspections

Inspections
152. A municipal corporation may, by bylaw, provide for the inspection of buildings, structures and excavations to ensure compliance with its bylaws.

Notice of certain bylaws
153. A council may not give third reading to a bylaw that authorizes the entry into or use of real property without the consent of its owner or occupier, unless the council first gives public notice of a summary of the bylaw or, if the real property of a specific person is affected, actual notice to that person.

Inspections and enforcement
154. (1) If this Act or any other enactment or a bylaw authorizes or requires anything to be inspected, remedied, enforced or done by a municipal corporation, an officer may, after giving reasonable notice to the owner or occupier of the land or structure affected,

(a) enter the land or structure at any reasonable time, and carry out the inspection, remedy, enforcement or action authorized or required by the enactment or bylaw;

(b) request anything be produced to assist in the inspection, remedy, enforcement or action; and

(c) make copies of anything related to the inspection, remedy, enforcement or action.

Identification
(2) The officer shall, on request, display or produce identification showing that the person is authorized to make the entry.

Imminent danger
(3) The officer authorized to perform a task under subsection (1) need not give reasonable notice and may enter at any hour and perform a task referred to in subsection (1) without the consent of the owner or occupant, if the officer or the council is of the opinion that

(a) there is imminent danger to public health and safety; or

(b) the action is warranted by extraordinary circumstances.

Limitation

(4) Nothing in this section authorizes the municipal corporation to remedy the contravention of an enactment or bylaw.

Remedies

Court authorized inspections and enforcement

155. (1) A municipal corporation may apply to the Supreme Court for an order under subsection (2) if a person

(a) refuses to allow or interferes with the entry, inspection, remedy, enforcement or action referred to in section 154; or

(b) refuses to produce anything to assist in the inspection, remedy, enforcement or action referred to in section 154.

Court order

(2) The court may issue an order

(a) restraining a person from preventing or interfering with the entry, inspection, remedy, enforcement or action; or

(b) requiring the production of anything to assist in the inspection, remedy, enforcement or action.

Imminent danger

(3) The court may hear the application without notice to any person if, in its opinion, there is imminent danger to public health or safety or it is warranted by extraordinary circumstances.

Designated officers

156. (1) A municipal corporation may, by resolution, designate an officer to issue orders under this section.

Remedying a dangerous contravention

(2) If the designated officer finds that a person is contravening any bylaw or any enactment that the municipal corporation is authorized to enforce and the contravention poses an imminent danger to public health or safety, the officer may, by written order, direct the person to take any action or measures necessary to remedy the contravention, including the removal or demolition of a structure that has been erected or placed in contravention of a bylaw, and to prevent a reoccurrence of the contravention.

Remedying a dangerous structure, excavation or hole

(3) If the designated officer finds a structure, excavation or hole that is dangerous to public safety or property, the designated officer may, by written order, require the owner of the structure, excavation or hole to eliminate the danger in the manner specified, remove or demolish the structure or fill in the excavation or hole and level the site.

Compliance conditions

(4) An order made under this section may

(a) state a time within which the person must comply with the order; and

(b) state that if the person does not comply with the order within the specified time, the municipal corporation will take a specified action or measure at the expense of the person.

Service of order

(5) The order must be served personally or, if personal service cannot be made because the address of the person is not known, notice of the order may be published twice in a newspaper having general circulation in the municipality or in the Northwest Territories.

Request for hearing by council

157. (1) A person who receives a written order under section 156 may request that the council review the order by written notice within 14 days after the date the order is received, or within such longer period as is specified by bylaw.

Review

(2) After reviewing the order, the council may confirm, vary, replace or cancel the order.

Service of decision

(3) The council must serve a copy of its decision under subsection (2) on the person requesting the review, within 14 days of making the decision.

Appeal to the Supreme Court

158. (1) A person affected by the decision of a council under section 157 may appeal to the Supreme Court if

(a) the decision was not made in accordance with this Act; or
(b) the decision is patently unreasonable.

Deadline

(2) The appeal must be made within 30 days after the day the decision is served on the person affected by the decision.

Originating Notice

(3) The application for the appeal must be made by originating notice in accordance with the *Rules of the Supreme Court of the Northwest Territories*.

Appeal decision

(4) The Supreme Court may

(a) confirm the decision being appealed; or
(b) declare the decision invalid and send the matter back to the council with directions.

Application in cases of unsightly property

159. (1) If a council considers that a structure, excavation or hole is detrimental to the surrounding area because of its unsightly condition, the municipal corporation may apply to the Supreme Court for an order requiring the owner of the property to remedy the unsightly condition.

Power of court

(2) On application of the municipal corporation, the court may by order

(a) require the owner of the property to improve the appearance of the property in a specified manner, including removing or demolishing a structure, filling in an excavation or hole and levelling the site;
(b) specify a time within which the person must comply with the order; and
(c) authorize the municipal corporation to take the action or measure at the expense of the person, if the person does not comply with the order within the specified time.

Municipal corporation remedying contraventions

160. (1) A municipal corporation may take any actions or measures necessary to remedy a contravention of a bylaw or an enactment that the municipal corporation is authorized to enforce, or to prevent a reoccurrence of the contravention, if

(a) the officer designated by the council gave a written order under section 156;
(b) the order contained a statement referred to in paragraph 156(4)(b);
(c) the person to whom the order is directed has not complied with the order within the time specified in the order; and
(d) the appeal periods respecting the order have expired or an appeal was heard and the court allowed the municipality to take the actions or measures.

Closure

(2) If an order made under section 156 directs that premises be put into and maintained in a sanitary condition, the municipal corporation may close the premises.

Unsightly property

(3) A municipal corporation may take actions or measures necessary to remedy an unsightly structure, excavation or hole if

(a) the court issued an order under section 159;
(b) the order authorized the municipal corporation to take the action or measures if the person did not comply with the order;
(c) the person to whom the order is directed has not complied with the order within the time specified in the order; and
(d) the appeal periods respecting the order have expired or an appeal was heard and the court allowed the municipal corporation to take the actions or measures.

Removal of occupants

(4) A bylaw officer or other person authorized by the municipal corporation may use reasonable force to remove occupants from a structure being closed, removed or demolished under this section.

Collection of expenses

(5) The expenses and costs of an action or measure taken by a municipal corporation under this section are a debt owing to the municipal corporation by the person who contravened the bylaw, enactment or court order and may be recovered from the person in default by civil action for debt, or by charging it against real property of which the person is the assessed owner in the same manner as arrears of property taxes under the *Property Assessment and Taxation Act*.

Proceeds of sale

(6) If the municipal corporation sells all or a part of a structure that has been removed under this section, the proceeds of the sale must be used to pay the expenses and costs of the removal and any excess proceeds shall be paid to the person entitled to them.

Emergency order

161. (1) Where a council, or an officer designated by the council for this purpose, is of the opinion that there is an imminent and serious danger to public health or safety, the municipal corporation may take any action or measure necessary to eliminate the danger.

Applicable law

(2) This section applies whether or not the danger involves a contravention of a law

Compulsory assistance

(3) A person may be given a verbal or written order under this section to provide labour, services, equipment or materials and, on receipt, the person shall comply with the order.

Record keeping

162. (1) A senior administrative officer shall ensure that complete and accurate records are kept in respect of

(a) tickets issued under the *Summary Conviction Procedures Act* for offences under the bylaws;
(b) payments of fines in respect of those tickets; and
(c) the disposition of those tickets.

Destruction of records

(2) A municipal corporation may, by bylaw, provide for the destruction of records kept under subsection (1) when they are no longer useful or required by law.

Injunction

163. (1) In addition to any other remedy available to it, a municipal corporation may enforce a bylaw by applying to the Supreme Court for an injunction by originating notice in accordance with the *Rules of the Supreme Court of the Northwest Territories*.

Decision

(2) The Court may grant or refuse the injunction or other order or may make any other order that it considers just.

Offences and Punishment

Offence
164. (1) A person who contravenes this Act or the regulations is guilty of an offence.

Obstructing an officer
(2) A person who wilfully obstructs or interferes with a bylaw officer, another officer of the municipal corporation, a municipal inspector, a municipal supervisor or a municipal administrator, in the performance of that person's duties under this Act or a bylaw, is guilty of an offence.

Punishment for offences under this Act or bylaws
165. (1) A person who is guilty of an offence under this Act, the regulations or a bylaw for which no specific punishment is provided by this Act or by a bylaw is liable on summary conviction

(a) to a fine not exceeding $ 2,000 for an individual and $ 10,000 for a corporation; or
(b) to imprisonment for a term not exceeding six months in default of payment of a fine.

Punishment for bylaw offences
(2) A municipal corporation may, by bylaw, provide that a person who is guilty of an offence under a bylaw is liable on summary conviction to a fine or imprisonment not exceeding the limits in paragraphs (1)(a) and (b).

Order respecting other matters
(3) In addition to any fine that may be levied, a court, subject to its jurisdiction, may order a person convicted of an offence under a bylaw

(a) to pay any fee or charge that may otherwise be payable by the person to the municipal corporation in respect of any licence or permit that should have been obtained by the person;
(b) to pay any costs that the municipal corporation is entitled to in respect of the offence; and
(c) to do or refrain from doing any activity that the court may specify.

Ownership of fines collected
(4) Subject to any other enactment, a fine or penalty collected in respect of an offence under a bylaw belongs to the municipal corporation.

Municipal Inspectors

Appointment
166. (1) The Minister may appoint municipal inspectors for the purposes of this Act.

Mandatory inspections
(2) The Minister may, on the Minister's own initiative or at the request of the council, direct a municipal inspector to examine or review

(a) the records, books and accounts of the municipal corporation;
(b) the management and administration of the municipal corporation; and
(c) the operations and financial affairs of the municipal corporation.

Report
(3) A municipal inspector shall prepare a report on his or her examinations and reviews and submit it to the Minister.

Content of report
(4) The report of a municipal inspector may include

(a) a statement describing any contravention of this Act or the bylaws of the municipal corporation that, in the opinion of the inspector, has occurred; and
(b) recommendations on action to be taken by the municipal corporation or the

Minister.

Forwarding copy of report

(5) The inspector shall forward a copy of the report to the mayor, unless the Minister directs otherwise.

Powers of municipal inspector

167. A municipal inspector may

(a) inspect or require the production of any record, book, account or document of the municipal corporation and make copies of it;

(b) require any council member or employee or any person managing or administering money belonging to the municipal corporation to provide the information and explanations that are necessary;

(c) examine any council member or employee or any person managing or administering money belonging to the municipal corporation under oath or require that person to provide a statement under oath;

(d) enter the premises of the municipal corporation at any reasonable time;

(e) obtain from a bank or other financial institution any financial information it may have respecting the municipal corporation; and

(f) exercise the powers of a commissioner for oaths.

Ministerial Supervision and Administration

Notice of problem

168. (1) The Minister shall notify a council if the Minister believes that

(a) the municipal corporation is incapable of meeting its financial obligations;

(b) the municipal corporation is experiencing operational difficulties;

(c) the council has failed to perform a duty required of it by this or any other Act; or

(d) it is in the best interests of the municipal corporation that it be under the control of a municipal supervisor.

Consultation

(2) The Minister must consult with the council on the best course of action to remedy the problem.

Time limit

(3) The consultations with council must continue for at least 30 days after the notice is sent.

Decision

(4) After providing the required notice and after expiry of the 30 day consultation period, the Minister may, by order, declare the municipal corporation to be subject to Ministerial supervision if the Minister is of the opinion that supervision is the best course of action to remedy the problem.

Urgency

169. (1) Notwithstanding section 168, if the Minister believes that the problem referred to in subsection 168(1) is urgent and requires immediate action, the Minister may, by order made without consultation, declare the municipal corporation to be subject to Ministerial supervision.

Notice

(2) The Minister shall, without delay, send a copy of the order under subsection (1) to the council together with the reasons for taking immediate action.

Time limit of order

(3) An order under subsection (1) expires after 45 days, or at such earlier date as the Minister may specify.

Further action

(4) If the Minister believes that the problem referred to in subsection 168(1) will continue after the expiry of the order, the Minister may

(a) proceed to consult with the council under section 168; and

(b) with the approval of the Executive Council, renew the order under subsection (1) for one additional period not exceeding 45 days.

Supervision order

170. (1) An order declaring a municipal corporation to be subject to Ministerial supervision may

(a) appoint a person as a municipal supervisor to act on behalf of the Minister in supervising the municipal corporation;

(b) empower the municipal supervisor to supervise the affairs of the municipal corporation;

(c) give directions for the deposit and disbursement of money of, or received on account of, the municipal corporation;

(d) give directions regarding the approval and execution of bylaws, securities, debt instruments and other documents;

(e) impose such other terms and conditions or give such other directions as the Minister considers advisable; and

(f) require that the expenses incurred under the order be paid, in whole or in part, by the municipal corporation and be included in its operating budget.

Approval of budget and recovery plan

(2) The Minister may direct a municipal corporation under Ministerial supervision to submit for approval a budget or a recovery plan.

Budget or recovery plan

(3) The Minister may impose a budget or a recovery plan on the municipal corporation if it

(a) fails to submit the budget or plan;

(b) fails to obtain the approval of the Minister for the budget or plan; or

(c) fails in whole or in part to conduct its affairs in accordance with the order or the directions of the Minister or the person designated by the Minister.

Binding effect

(4) A budget or recovery plan imposed by the Minister becomes effective and binding upon the municipal corporation, its council, the senior administrative officer, and all persons interested in or affected by it, on notice to the council.

Amendment of plan

(5) After consulting with the council, the Minister may amend a budget or recovery plan imposed by the Minister.

Administration

171. (1) If the Minister is of the opinion that Ministerial supervision will not be sufficient to remedy the problem referred to in subsection 168(1), the Minister may declare the municipal corporation to be subject to Ministerial administration.

Administration order

(2) An order declaring a municipal corporation to be subject to Ministerial administration must appoint an municipal administrator for a fixed or indefinite term of office.

Effect on council members

(3) When an order declaring a municipal corporation to be subject to Ministerial administration takes effect, all council members are deemed to have resigned from office and the council is to remain vacant until after a new election is held under section 174.

Powers of administrator

(4) Subject to this Act, a municipal administrator may exercise the powers and shall perform the duties of a council under this Act.

Bylaws and expenditures

(5) A municipal administrator may not make a bylaw or incur an expenditure or liability on behalf of the

municipal corporation without the approval of the Minister.

Disposal of assets

(6) A municipal administrator may dispose of such personal or real property owned by the municipal corporation as may be necessary to satisfy any of its outstanding debts.

Bonding

(7) A municipal administrator must be bonded in an amount determined by the Minister.

Costs of administrator

(8) The costs of a municipal administrator, including remuneration, reasonable living and travelling expenses and costs of bonding, must be paid out of the funds of the municipal corporation.

Books of account

(9) A municipal administrator shall

- (a) ensure that accurate books of account are kept relating to the financial affairs of the municipal corporation;
- (b) ensure that the books of account are open to inspection by the Minister or any person designated by the Minister;
- (c) provide to the Minister a report on the financial affairs of the municipal corporation, including
  - (i) a balance sheet that presents fairly the financial position of the municipal corporation;
  - (ii) a statement of income that presents fairly the operating results of the municipal corporation; and
  - (iii) such other information as the Minister may require.

Submission of report

(10) The report referred to in paragraph (9)(c) must be submitted at the end of each calendar month or at such other times as the Minister may require.

Ministerial direction

172. (1) The Minister may, by order or otherwise, direct a municipal supervisor or municipal administrator in the exercise of his or her powers or the performance of his or her duties.

Rate of tax

(2) The Minister shall establish the rate of tax under the *Property Assessment and Taxation Act*.

Compliance

173. (1) The municipal corporation and its employees shall comply with the order and any directions of the Minister and the municipal supervisor or municipal administrator, as the case may be.

Inspection of books of account

(2) The books of account of the municipal corporation must be open to inspection by the municipal supervisor or municipal administrator.

Revocation of order

174. (1) The Minister shall revoke an order declaring a municipal corporation to be under Ministerial supervision or administration if the Minister believes that the problem that triggered the order is remedied or no longer a concern.

Return of council

(2) If the municipal corporation was under the control of an administrator, the Minister shall in the order provide for the return of the council by establishing an election day for the election of new council members and providing for those matters required for the election as if it were the first election of a council.

Dissolution

Order to dissolve

175. The Minister may, by order, dissolve a municipal corporation if he or she is satisfied that

(a) the municipal corporation is unable to continue in operation for financial or other reasons; and

(b) due provision has been made for winding up the affairs of the municipal corporation, the payment of all its debts and the satisfaction of all its obligations.

Liquidator

176. (1) The Minister may appoint a liquidator to

(a) wind up the affairs a municipal corporation that is to be dissolved;

(b) pay its debts;

(c) satisfy its obligations; and

(d) transfer its assets.

Transfer of assets

(2) The assets of a dissolved municipal corporation must be transferred to the Government of the Northwest Territories on the terms and conditions that the Minister may require.

Ownership of revenues

(3) Revenues of a dissolved municipal corporation not yet received by it belong to the Government of the Northwest Territories and may be collected accordingly.

PART VII GENERAL AND TRANSITIONAL

General Matters

Order varying time

177. The Minister may, by order, vary the time required by this Act for the doing of any thing, whether the time has made or not, if the thing cannot or has not been done.

Public notice

178. (1) When public notice is required under this Act, the notice must be given to the general public in one or more of the following ways:

(a) by inserting the notice at least once in a newspaper circulating in the municipality;

(b) by mailing or delivering a copy of the notice to each adult resident in the municipality;

(c) by causing announcements to be made on a radio or television station received in the municipality on at least three separate days; or

(d) by posting a notice in at least five widely separated and conspicuous places in the municipality.

Documents available to the public

(2) When a document is to be made available to the public under this Act, the document must be accessible to any person in a conspicuous place in the offices of the municipal corporation during the normal working hours of the municipal corporation.

Appointment of designates

179. The Minister may appoint one or more designates for the purpose of receiving any documents, notices or other items on behalf of the Minister that are required to be submitted or provided to the Minister under this Act.

Regulations

180. The Commissioner, on the recommendation of the Minister, may make regulations

(a) prescribing the forms that are necessary or advisable in carrying out the provisions of this Act; and

(b) prescribing any matter or thing that by this Act may or is to be prescribed.

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SCHEDULE C

Hamlets Act

Interpretation

Definitions
1. In this Act,

"budget" means the budget of a hamlet adopted by the council under section 107;

"bylaw" means a bylaw made by a council under this or any other Act;

"bylaw officer" means a person appointed under section 152;

"charter community" means a charter community as defined in the *Charter Communities Act*;

"city" means a city as defined in the *Cities, Towns and Villages Act*;

"Commissioner's land" means lands to which the *Commissioner's Land Act* applies;

"council" means the council of a hamlet;

"council member" means the mayor or a councillor;

"councillor" means a member of the council of a hamlet, other than the mayor;

"debt management plan" means a plan to manage a hamlet's debt adopted under section 130;

"election" means an election of a mayor or councillor conducted in accordance with *Local Authorities Elections Act*;

"election day" means the day fixed for an election;

"employee" means an employee of a hamlet, including an officer;

"granular and other materials" means carving stone, clay, construction stone, diatomaceous earth, earth, flint, gravel, gypsum, limestone, marble, marl, ochre, peat, sand, shale, slate, sodium chloride, soil and volcanic ash;

"general election" means an election held to replace council members whose terms of office expire in that year;

"hamlet" means a corporation with the status of a hamlet established or continued under this Act;

"investment plan" means a plan to manage a hamlet's investments adopted under section 142;

"land administration bylaw" means a bylaw made in accordance with section 93;

"local improvement" means a work that will have a benefit to the real property in a particular geographic area within the municipality;

"local improvement bylaw" means a bylaw made under section 131 that authorizes a local improvement;

"long-term" means a period exceeding one year;

"long-term debt" means any debt owed by the hamlet with a repayment term of more than one year;

"long-term financial commitment" has the meaning set out in section 2;

"mayor" means the mayor of a hamlet;

"municipal administrator" means a municipal administrator appointed under subsection 173(2);

"municipality" means the geographic area over which a hamlet has jurisdiction, as described in the order establishing or continuing the hamlet;

"municipal inspector" means a municipal inspector appointed under section 168 or under the *Charter Communities Act* or the *Cities Towns and Villages Act*;

"municipal road" means a road in respect of which a hamlet may make bylaws under section 94;

"municipal supervisor" means a municipal supervisor appointed under subsection 172(1);

"municipal taxing authority" means a municipal corporation with authority to levy property taxes under the *Property Assessment and Taxation Act*;

"officer" means the senior administrative officer or an employee appointed as an officer under section 45;

"personal property" includes an interest in personal property;

"property tax" means tax on real property levied under the *Property Assessment and Taxation Act*;)

"public notice" means the giving of a notice to the general public in accordance with subsection 180(1);

"public utility" means a system or work that provides, for public consumption, benefit, convenience or use, any of the following:

(a) water or steam,
(b) sewage disposal,
(c) drainage,
(d) public transportation,
(e) fuel,
(f) electric power,
(g) heat, or
(h) waste management;

"quarry" means any work or undertaking in which granular and other materials are removed from the ground or the land by any method, and includes all ways, works, machinery, plant, buildings and premises belonging to or used in connection with the quarry;

"real property" includes an interest in real property;

"resolution" means a resolution of a council;

"securities" includes bonds, debentures, treasury bills, trust certificates, guaranteed investment certificates or receipts, certificates of deposit, deposit receipts, bills, notes and mortgages of real estate or leaseholds and rights or interests in respect of a security;

"senior administrative officer" means the senior administrative officer of a hamlet appointed under subsection 44(1);

"settlement corporation" means a corporation established as a settlement corporation under the *Settlements Act*;

"short-term" means a period of one year or less;

"town" means a town as defined in the *Cities, Towns and Villages Act*;

"village" means a village as defined in the *Cities, Towns and Villages Act*;

"voter" means a person who is eligible to vote at an election.

Long-term financial commitment

2. (1) For the purposes of this Act, "long-term financial commitment" means

(a) a lease of real property with a fixed term of more than one year or a fixed term of one year or less but with a right of renewal that would, if exercised, extend the original term to more than one year;

(b) a lease of personal property with a fixed term of more than one year or a fixed term of one year or less but with a right of renewal that would, if exercised, extend the original term to more than one year; or

(c) an agreement to purchase real or personal property if payment of the purchase price under the agreement is to be made over a period exceeding 10 years.

Exception

(2) A lease or an agreement to purchase is not to be considered to be a long-term financial commitment under subsection (1) if the payments made under the lease or agreement are nominal or are not made from the general revenues of the hamlet.

Purposes of a hamlet

3. Hamlets are established for the following purposes:

(a) to provide good government to the residents of the municipality;

(b) to develop and maintain a safe municipality; and

(c) to provide the services, products and facilities required or allowed by this Act or considered by a council to be necessary or desirable for all or part of the municipality.

General bylaw powers

4. The general legislative powers of a hamlet to make bylaws are to be interpreted as giving broad authority to the council to govern the municipality in whatever way the council considers appropriate, within the jurisdiction given to a hamlet under this and other Acts, and to address issues not contemplated at the time this Act is enacted.

PART I INCORPORATION

Public notice of establishment of hamlet

5. (1) The Minister may, on his or her own initiative or at the request of at least 25 residents who, on the date of the request, would otherwise be eligible under section 17 of the *Local Authorities Elections Act*, to vote in an election, cause public notice to be given in the area of the proposed municipality that the Minister intends to establish a hamlet in that place.

Content of public notice

(2) The public notice must state the proposed

(a) name and status of the hamlet;

(b) boundaries of the municipality; and

(c) date of incorporation.

Time of notice

(3) The public notice must be given at least 90 days before the date of incorporation.

Objection to incorporation

6. (1) Any resident of the proposed municipality may, by writing to the Minister, object to the establishment of the proposed hamlet.

Time of objection

(2) In order to be considered, an objection referred to in subsection (1) must be received by the Minister within 90 days after the giving of public notice of the intention to establish a hamlet.

Establishment of hamlet

7. (1) After giving public notice to be given of the intention to establish a hamlet and considering any objection made under section 6, the Minister may, by order, establish a hamlet.

Content of order

(2) The order establishing a hamlet must
- (a) fix the name and status of the hamlet;
- (b) determine the boundaries of the municipality; and
- (c) provide for the first election of the council members in accordance with the *Local Authorities Elections Act*.

Request to change name

8. (1) A council may request the Minister to change the name of the hamlet.

Change of name

(2) If the Minister considers it to be in the public interest, the Minister, on the recommendation of the Executive Council, may, by order, change the name of a hamlet and provide for any transitional matters that may be necessary.

Effect of change of name

(3) The change of name of a hamlet does not affect any of its employees, bylaws, resolutions, assets, liabilities, rights, duties, obligations or functions.

Change in status to hamlet

9. (1) The Minister may, on the Minister's own initiative or at the request of the council, by order,
- (a) change the status of a charter community, village, town or city to a hamlet; and
- (b) provide for any transitional matters that may be necessary.

Public notice

(2) At least 180 days before making an order under subsection (1), the Minister shall cause public notice to be given of the intention of the Minister to change the status of the charter community, village, town or city to a hamlet.

Change in status of charter community

(3) If the status of a charter community is being changed to a hamlet and the community charter is being revoked, the order is subject to the same conditions as an order establishing a charter community under the *Charter Communities Act*.

Commencement of order and new election

(4) If the status of a city, town or village is being changed,
- (a) the order takes effect on the second Monday in December following the date the order is made; and
- (b) the term of office for council members ends at 12 noon on the first Monday in January following the date the order is made.

Saving provision for change in status

10. (1) The change in status of a charter community, village, town or city does not affect any of its employees, bylaws, resolutions, assets, liabilities, rights, duties, obligations or functions.

Status of mayor and councillors

(2) When a charter community, village, town or city changes its status to a hamlet, the mayor and councillors continue in office until their successors take office.

Request to vary boundaries

11. (1) A council may request the Minister to vary the boundaries of the municipality.

Variation of boundaries

(2) If the Minister considers it to be in the public interest, the Minister, on the recommendation of the Executive Council, may, by order, vary the boundaries of a municipality and provide for any transitional matters that

may be necessary.

Effect of variation of boundaries

(3) If the boundaries of a municipality are varied, all bylaws apply to the municipality as varied from the date the order made under subsection (2) takes effect.

PART II ADMINISTRATION

Councils

Role of council

12. (1) The powers and duties of a hamlet shall be exercised and performed by the council, unless otherwise provided in this Act.

Duties of council

(2) A council is responsible for

(a) developing and evaluating the plans, policies and programs of the hamlet;
(b) making the bylaws and resolutions of the hamlet; and
(c) ensuring that the powers, duties and functions of the hamlet are appropriately carried out.

Performance of functions

13. A council may perform its functions by either resolution or bylaw, unless otherwise required by this Act or any other enactment.

Composition of council

14. (1) Subject to this section, a council is composed of a mayor and eight elected councillors.

Variation of number of council members

(2) On the request of a council, the Minister may, by order, vary the number of elected council members who comprise the council.

Effect of order

(3) An order made under subsection (2)

(a) does not affect the term of office of any council member in office at the time the order is made; and
(b) applies to the next general election in respect of elected council members.

Application of *Local Authorities Elections Act*

15. The mayor and councillors must be elected in accordance with the *Local Authorities Elections Act*.

Appointed council members

16. (1) The Minister may appoint persons, either by their name or office, to be council members in addition to those council members elected in accordance with the *Local Authorities Elections Act*.

Limit on number of appointees

(2) The number of council members appointed under subsection (1) must not exceed 1/3 of the total number of council members who comprise the council.

Eligibility of appointees

(3) The persons appointed under subsection (1) must be eligible to be candidates at an election.

Term of appointees

(4) The term of a council member appointed under subsection (1), is

(a) in the case of a person appointed by virtue of his or her office, for a term not exceeding the duration of the person's other term of office; and
(b) in the case of a person appointed by name, for a term not exceeding two years.

Status of appointees

(5) A council member who is appointed under subsection (1) is deemed to be duly elected.

Youth members

17. (1) A council may appoint a person with the title "youth member" to sit with the council and to participate in its deliberations, for a term and on conditions that the council may decide.

Maximum age

(2) A youth member must be less than 18 years of age.

Not a council member

(3) A youth member is not a council member and may not be counted for the purpose of determining a quorum or deciding a vote of the council.

Term of office

18. (1) Subject to this Act, the mayor and councillors hold office for two years, unless the hamlet, by bylaw, increases the term of office to three years.

Duration of term of office

(2) The term of office for council members

(a) commences at 12 noon on the first Monday in January following their election or when they are sworn in, whichever is later; and

(b) ends at 12 noon on the first Monday in January.

Staggered terms of office

19. (1) A council may stagger the terms of office of councillors by providing, by bylaw, that the councillors elected at the next general election hold office as follows:

(a) half of the successful candidates who receive the highest number of votes hold office for the full term of office; and

(b) the balance of the successful candidates hold office for a term of one year less than the full term of office.

Rounding up the number

(2) For the purposes of paragraph (1)(a), if half of the successful candidates who receive the highest number of votes is a fraction, the number shall be rounded up to the nearest whole number.

Application of new rules

(3) A bylaw made under this section applies to any general election in which the election day is more than 180 days after the day the bylaw is made.

Repeal

(4) A bylaw made under this section may not be repealed until at least two general elections have been held since the bylaw was made, unless the Minister approves an earlier repeal.

Transitional

(5) A hamlet may, when repealing a bylaw that staggers the terms of office of the council members, provide that the terms of office of all council members expire at the general election following the repeal of the bylaw.

Term for municipal taxing authority

20. If a hamlet is declared to be a municipal taxing authority, the term of office for council members shall end at 12 noon on the first Monday in November in the year before the year in which the term would otherwise end.

Oath of office

21. Each council member shall, before taking office, take an oath or affirmation of office in the following words or such other words as the hamlet may, by bylaw, require:

I, ..., do solemnly and sincerely promise and (swear or affirm) that I will duly, faithfully and to the best of my skill and knowledge, execute the powers and trust reposed in me as a (name of office).

Ineligibility

22. (1) A council member who, after taking office, ceases to be eligible to be a candidate for his or her office shall vacate his or her office and cease to be a mayor or councillor, as the case may be.

Declaration of vacancy

(2) If a council member referred to in subsection (1) does not resign immediately, council shall, by resolution, declare that his or her office is vacant.

Judicial review

(3) Any person may, within five days after the making of a resolution under subsection (2), apply to the Supreme Court for judicial review of the declaration by originating notice in accordance with the *Rules of the Supreme Court of the Northwest Territories*.

Council Meetings

Place of business

23. A council may only hold its meetings and transact its business within the municipality, unless the council provides otherwise by resolution.

Quorum

24. (1) A quorum for a council is a majority of the number of council members who comprise the council.

Number

(2) For greater certainty, when determining a quorum, the number of council members includes the mayor and any vacancies.

Public meetings

25. (1) Subject to this section, a council shall hold its regular, special and committee meetings in public.

Exclusion from meetings

(2) A person may only be excluded from a meeting of a council or a committee of council for improper conduct.

Private meetings

(3) A council or a committee of council may, by resolution approved by at least 2/3 of the council members present, authorize its meeting to be closed to the public if it decides to discuss any of the following:

(a) commercial information that, if disclosed, would likely be prejudicial to the hamlet or the persons involved;
(b) information received in confidence that, if disclosed, would be prejudicial to the hamlet or the persons involved;
(c) personal information, including personal information about employees;
(d) the salary, benefits or performance record of an employee;
(e) a matter still under consideration and on which the council has not yet publicly announced a decision, if discussion in public would likely prejudice the hamlet's ability to carry out its activities or negotiations;
(f) the buying or selling of property by or on behalf of the hamlet;
(g) the setting of minimum tax sale prices under the *Property Assessment and Taxation Act*;
(h) the conduct of existing or anticipated legal proceedings;
(i) the conduct of an investigation under, or enforcement of, an Act or bylaw;
(j) information, the disclosure of which could prejudice public security or the maintenance of law and order; and
(k) the security of documents or premises.

Limitation on power

(4) A council has no power to make a bylaw or a resolution at a meeting that is closed to the public, other than a resolution to

(a) give instructions to the hamlet's solicitors;
(b) give directions on confidential personnel issues to staff; or
(c) adjourn the closed meeting or to revert to a public meeting.

Record

(5) A council shall make a public record of any meeting that is closed to the public, noting the fact that council met in private and the date, but no other information.

Meeting by electronic means

26. (1) A council may conduct a meeting using electronic means of communication if the electronic means of communication enables the members to hear and speak to each other, and allows the public to hear the members.

Deemed presence

(2) Council members participating in a meeting in the manner referred to in subsection (1) are deemed to be present at the meeting.

Purpose

(3) Only council members who, at the time of the meeting, are outside the municipality, or physically unable to attend the meeting, may participate in the manner described in subsection (1).

First meeting of council

27. (1) The first meeting of a council following a general election must be held not later than 28 days after the election day at the time and place that the mayor designates.

Regular meetings

(2) A council shall hold at least one regular meeting each month at the time and place that the council fixes by resolution.

Public notice

28. (1) The council shall ensure that public notice of the time and place of each regular council meeting is given at least three days in advance.

Regular schedule

(2) A council may meet the requirement in subsection (1) by giving public notice of a schedule of regular meetings at least once each year.

Agenda

(3) An agenda for each regular council meeting shall be made available to the public at least three days in advance of the meeting.

Special meetings

29. (1) The senior administrative officer shall call a special council meeting if requested to do so in writing by the mayor or by two councillors.

Notice of special meeting

(2) The senior administrative officer shall, at least 48 hours in advance, give notice of the time and place of the special meeting and the nature of the business to be transacted at the special meeting.

Method of notice

(3) The notice referred to in subsection (2) must be given by

(a) making a copy of the notice available to the public; and
(b) delivering a copy of the notice to each council member or to a place designated by a council member for this purpose.

Limit on nature of business

(4) A council may not transact any business at a special meeting other than that specified in the notice of the special meeting, unless all council members are present at the special meeting and they all agree.

Emergency meeting

30. (1) A council member may call an emergency council meeting if he or she considers that an emergency exists or may exist in the municipality.

Notice of emergency meeting

(2) Notice of the time and place of an emergency meeting must be given to as many council members as is possible in the circumstances.

Quorum

(3) Those council members attending an emergency council meeting constitute a quorum.

Declaration of state of local emergency

(4) The council may, at an emergency meeting, make a declaration of a state of local emergency relating to all or any part of the municipality in accordance with the *Civil Emergency Measures Act*, and may only transact business relating to the emergency.

Waiver of notice

31. (1) If all council members are present, they may, by unanimous consent, waive notice of a meeting and hold a meeting at any time.

Restriction

(2) A resolution or bylaw may only be made at a meeting referred to in subsection (1), if all council members are present at the time that it is made.

Rules of procedure for council

32. A hamlet shall, by bylaw, make rules respecting

(a) the calling of meetings of council and its committees;
(b) the procedure of the council;
(c) the circumstances in which the mayor or other presiding council member may vote at meetings of council or committees of council;
(d) the behaviour of council members and other persons present at meetings of council and its committees;
(e) the establishment, appointment and duties of committees of council; and
(f) the general transaction of its business.

Rules for public meetings

33. A hamlet may, by bylaw, make rules respecting

(a) the calling of public meetings by the hamlet;
(b) the procedure at the public meetings; and
(c) the behaviour of persons at the public meetings.

Validity of resolutions and bylaws

34. (1) Subject to this Act, a resolution or bylaw is not valid unless a majority of the council members present and voting at a duly constituted meeting of council vote in favour of it.

Factors not invalidating resolution or bylaw

(2) A resolution or bylaw validly made by a duly constituted council is not invalid by reason only that

(a) the election of a council member is invalid; or
(b) a council member is disqualified from serving on a council.

Records

Keeping of minutes

35. (1) The senior administrative officer shall record, legibly and in writing, the minutes of the proceedings of all meetings of the council and shall certify them as correct.

Record of voting

(2) The senior administrative officer shall record in the minutes the name of each council member and how that council member voted if

(a) a recorded vote is demanded by any council member; or
(b) the vote requires more than a majority.

Adoption of minutes

(3) A council shall, after correcting any errors, adopt the certified record of its minutes, after which the mayor or other presiding council member shall sign them.

Public inspection of records

36. (1) The bylaws and the minutes of all meetings of a council and its committees must be open for public inspection once the bylaws are made or the minutes are adopted by the council.

Copies of records

(2) Any person may receive copies of all or any part of the bylaws or the minutes of a meeting of a council on the payment of a fee determined by bylaw.

Council Members

Duties of council members

37. The duties of a council member are

(a) to consider the welfare and interests of the residents of the municipality as a whole and to bring to council's attention anything that would promote the welfare or interests of the residents;
(b) to participate generally in developing and evaluating the policies, plans and programs of the hamlet;
(c) to participate in meetings of council or meetings of council committee or other bodies to which the member is appointed by the council;
(d) to ensure that he or she is kept informed about the operation or administration of the hamlet;
(e) to keep in confidence matters discussed in private at a council or council committee meeting until these matters are discussed at a meeting held in public; and
(f) to perform any other duty or function imposed on council members by this Act, any other enactment or by the council.

Code of ethics

38. A council may adopt a code of ethics for council members.

Entitlement to vote

39. (1) A councillor has one vote at a meeting of council or a committee of council.

Vote of mayor or other presiding member

(2) The council may adopt rules of procedure that limit or expand the right of the mayor or other presiding council member to vote at a meeting of council or a committee of council as follows:

(a) to vote only in order to break a tie vote among the councillors; or
(b) to have the same right to vote as a councillor.

Deemed resignation for non-attendance

40. A hamlet may, by bylaw, provide that a council member who is absent from regular meetings of council, without the consent of the council, more than a certain number of times specified in the bylaw, is deemed to have resigned.

Mayor

Duties of mayor

41. (1) The mayor is the senior executive officer of the hamlet and shall, in addition to the general duties of a council member,

(a) preside at all meetings of the council, other than where prohibited by a bylaw or enactment for reasons of conflict of interest or other disability;

(b) provide leadership and direction to the council;

(c) maintain order and decorum at all meetings of the council; and

(d) perform any other duty imposed on the mayor by a bylaw, this Act or any other enactment.

Membership in all committees

(2) The mayor is, by virtue of his or her office, a member of all committees of the council, and possesses all the rights, privileges, powers and duties of that membership.

Deputy mayor

42. (1) A council, on the recommendation of the mayor, may, appoint a councillor to be the deputy mayor.

Powers and duties of deputy mayor

(2) The deputy mayor

(a) shall perform the duties and may exercise the powers of the mayor when the mayor is absent or unable to act; and

(b) shall perform other duties and may exercise other powers determined by the council on the recommendation of the mayor.

Acting mayor

43. (1) When both the mayor and the deputy mayor are absent or unable to act, the council may appoint a councillor to be the acting mayor.

Powers and duties of acting mayor

(2) The acting mayor has the same powers and duties as the deputy mayor.

Officers

Senior administrative officer

44. (1) A council shall, by bylaw, appoint a senior administrative officer.

Status

(2) The senior administrative officer is an employee of the hamlet.

Change in title

(3) A council may give the senior administrative officer another title for the purposes of the hamlet.

Appointment and duties

45. (1) The council may, by bylaw, appoint employees to be officers and authorize them to perform

(a) any statutory duty assigned to the senior administrative officer by this Act, other than those assigned under subsection 48(2); or

(b) any other duties the council considers necessary.

Acting officers

(2) The council may appoint employees to act on behalf of any officer who is absent or unable to act.

Prohibited officers

46. (1) A council may not appoint as an officer any person who has a direct or indirect interest in a contract with the hamlet.

Conflict of interest

(2) No officer shall have any direct or indirect interest in a contract with the hamlet.

Dismissal for conflict of interest

(3) An officer who acquires an interest in a contract with the hamlet may be dismissed without notice and without compensation.

Exceptions

(4) This section does not apply to contracts

(a) for the purchase of a residence or land on which to build a residence to be occupied by the officer or the dependants of the officer;
(b) for the supply of a utility, product or service at rates generally available to members of the public; or
(c) of employment or for benefits related to employment.

Bonding

47. (1) The following persons must be bonded in the amount, for the risks and with the surety that the council directs:

(a) the senior administrative officer;
(b) an officer performing the duties under paragraphs 49(1)(f) to (l);
(c) any other officers or employees as the council may require.

Costs of bonding

(2) The hamlet shall pay the costs of the bonding required by subsection (1).

Delegation by council

48. (1) A council may delegate any of its powers, duties or functions to the senior administrative officer, other than

(a) the power or duty to make bylaws or resolutions;
(b) a function that may only be performed by bylaw;
(c) the power to appoint the deputy or acting mayor, a youth member, the auditor, the senior administrative officer, officers or bylaw officers, or to suspend or revoke those appointments.

Mandatory duties

(2) Subject to the direction of the mayor, the senior administrative officer shall

(a) supervise and direct the affairs of the hamlet and its employees;
(b) implement the policies of the council;
(c) provide advice to the council;
(d) inspect and report on all municipal works as required by the council;
(e) ensure that budget is prepared in accordance with this Act;
(f) ensure that all contracts of the hamlet are prepared and executed as required by the council; and
(g) perform other duties that the council may delegate or require.

Other duties

49. (1) The senior administrative officer, or other officers that council may appoint, shall

(a) have custody of the corporate seal of the hamlet and cause it to be affixed to documents where required;
(b) attend all meetings of the council and accurately record all its resolutions, decisions and proceedings;
(c) prepare and have custody of the minutes and other records of the council and its committees;
(d) have custody of the original of each bylaw;
(e) provide copies of bylaws, minutes and other public documents of the hamlet in accordance with this Act;
(f) ensure the safekeeping of all funds, securities and assets of the hamlet;
(g) collect and receive all money belonging to or owing to the hamlet;

(h) ensure that all disbursements of the funds of the hamlet comply with this Act and any applicable bylaw;
(i) ensure that complete and accurate accounts are kept of all money received and disbursed on behalf of the hamlet;
(j) ensure that complete and accurate accounts are kept of all assets and liabilities of the hamlet and all transactions affecting the financial position of the hamlet;
(k) ensure that the financial statements of the hamlet are prepared annually in accordance with this Act and at further times that the council may direct; and
(l) provide the financial information respecting the hamlet that the Minister may require.

Powers related to financial control

(2) An officer performing the duties specified in paragraphs (1)(f) to (l) may
(a) inspect any financial record of the hamlet; and
(b) give directions to any employee in order to perform those duties.

Employees

Employees

50. (1) A hamlet may employ the persons that it considers necessary to carry out its business and affairs.

Holding multiple offices or positions

(2) A hamlet may, by bylaw, allow one person to hold two or more offices or positions.

Prohibited appointments

51. (1) A council member may not be appointed to a salaried office or employment in the hamlet.

Employees as council members

(2) A hamlet may by bylaw allow employees to be eligible for election to council, other than officers, bylaw officers, and employees responsible for financial matters.

Terms of employment

52. A hamlet may, by bylaw,
(a) establish the remuneration and benefits of employees;
(b) establish hours of work and terms of employment;
(c) provide for the manner of appointment, promotion, discipline and dismissal of employees;
(d) provide retirement, death or disability benefits to employees; and
(e) on behalf of the hamlet, enter into collective or other agreements with employees.

Indemnification of employees

53. A hamlet may, by bylaw,
(a) provide for the indemnification of employees who are sued in connection with the performance of their duties or the conduct of the business or affairs of the hamlet;
(b) establish the terms and conditions of the indemnity; and
(c) establish the risks and positions that will be covered.

Prohibition on paying fine of employee

54. No hamlet may pay a fine imposed on an employee found guilty of an offence under the law of the Northwest Territories or Canada.

PART III GENERAL POWERS

Corporate Status

Corporate status, powers, etc.
55. A hamlet is a body corporate and may only exercise its rights and powers in accordance with this Act.

Corporate seal
56. A hamlet shall, by bylaw, adopt a corporate seal.

Contracts

Power to contract
57. (1) A hamlet has the power to contract for a municipal purpose.

Procedure
(2) The procedure for the making of contracts for and on behalf of the hamlet must be set out in a bylaw.

Alternate service delivery
58. (1) A hamlet may, for a municipal purpose and if authorized by bylaw, enter into an agreement to allow another person to provide a service, public utility or facility on behalf of the hamlet.

Provisions of service agreement
(2) For greater certainty, a hamlet may, in the agreement referred to in subsection (1),

- (a) grant a person the right to provide, operate, manage, upgrade and expand a service, public utility or facility in existence at the time of the agreement;
- (b) grant a person the right to finance, construct and operate a new service, public utility or facility.
- (c) lease, sell or otherwise dispose of property owned by the hamlet that is required for the purposes of providing the service, public utility or facility;
- (d) transfer any rights, responsibilities and liabilities of the hamlet with respect to the service, public utility or facility; and
- (e) provide assistance to the person who is to provide the service, public utility or facility by
  - (i) making lease payments to that person;
  - (ii) making a grant to that person;
  - (iii) guaranteeing a loan made to that person;
  - (iv) making an investment in a business or real property owned by that person;
  - (v) transferring municipal property to that person for less than the market value of that property;
  - (vi) providing that person with access to or use of municipal infrastructure at a free or discounted rate;
  - (vii) granting that person property tax concessions; and
  - (viii) providing the services of employees of the hamlet to that person.

Limitation
(3) An agreement containing any of the provisions referred to in paragraphs (2) (d) and (e) must be approved by the Minister or be authorized by the hamlet's investment plan.

Boards and Commissions

Establishment of boards and commissions
59. (1) A hamlet may, for a municipal purpose and if authorized by bylaw, establish a board or commission to administer all or part of one or more programs, services, public utilities or facilities on behalf of the hamlet.

Contents of bylaw
(2) A bylaw made under subsection (1) may provide for

(a) the powers and duties of the board or commission;
(b) the reporting requirements of the board or commission;
(c) the procedures of the board or commission;
(d) the payment of a reasonable allowance for expenses necessarily incurred in the performance of a board or commission member's duties;
(e) the payment of an honorarium to board or commission members for attending meetings of the board or commission or performing any other duties;
(f) the appointment of members to the board or commission, including persons who are members by virtue of their office and persons other than the mayor or councillors;
(g) the board or commission being a corporate entity; and
(h) such other matters the council considers advisable.

Mayor

(3) The mayor is, by virtue of that office, a member of every board and commission established by the hamlet.

Councillor

(4) A board or commission established by a hamlet must have at least one councillor as its member.

Meetings

(5) The requirements with respect to meetings of council committees apply to meetings of boards or commissions established by a hamlet, unless otherwise provided for by bylaw.

Delegation to committee, etc.

60. (1) A council may, by bylaw, delegate any of its powers, duties or functions under this or any other enactment to a committee of council or to a board or commission established by a hamlet, unless this Act or the other enactment provides otherwise.

Exception

(2) A council may not delegate to a committee of council or to a board or commission established by a hamlet

(a) the power or duty to make bylaws or resolutions; or
(b) a function that may only be performed by bylaw.

Delegation agreement

61. If expressly authorized in a delegation agreement, a hamlet may, by bylaw,

(a) establish a board or commission to administer all or part of a program or service transferred to the hamlet under a delegation agreement;
(b) provide for the board or commission to be jointly controlled by two or more parties to the agreement,
(c) define the powers and duties of the board or commission; and
(d) provide for any matters with respect to the board or commission that the parties to the delegation agreement consider advisable.

Delegation of Authority and Responsibility

Delegation by hamlet

62. (1) A hamlet may, by bylaw, authorize the delegation to another government or entity of the authority and responsibility for administering and delivering any service or program on behalf of the hamlet.

Prohibited delegations

(2) A hamlet may not delegate

(a) the power to make bylaws;
(b) the power of council to appoint the deputy or acting mayor, a youth member, the auditor, the senior administrative officer, officers or bylaw officers, or to suspend or revoke those appointments;

(c) the duty to adopt a budget; or
(d) the duty to hear objections, complaints or appeals required by this Act or any other enactment.

Capacity of delegate

(3) A hamlet may only delegate to a government or entity such authorities and responsibilities as it is legally capable of receiving.

Delegation to hamlet

63. (1) A hamlet may, by bylaw, authorize itself to act as the delegate of another government or entity and receive the delegation of

(a) authority and responsibility for administering or delivering a service or program on behalf of the other government or entity; and
(b) the power to enact laws on behalf of the other government or entity.

Geographic scope

(2) A hamlet may act as a delegate both within and outside the boundaries of the municipality, where authorized by the other government or entity.

Prohibited delegations

(3) A hamlet may not act as a delegate in respect of

(a) the power to appoint the deputy or acting mayor, a youth member, the auditor, the senior administrative officer, officers or bylaw officers, or to suspend or revoke those appointments;
(b) the duty to adopt a budget; or
(c) the duty to hear objections, complaints or appeals required by this Act or any other enactment.

Funding

(4) A hamlet may not act as a delegate of a government or entity if the hamlet is liable for any of the costs associated with the delegation.

No sub-delegation

(5) No hamlet has the authority to sub-delegate the power to administer and deliver any service or program delegated to the hamlet by the delegation agreement, unless expressly authorized under the delegation agreement.

Authorized delegates

64. The following governments or entities are the only ones to which and from which a delegation may be made under sections 62 and 63:

(a) the Government of the Northwest Territories, including its departments and agencies;
(b) the Government of Canada, including its departments and agencies;
(c) a board or public body, established by an enactment of Canada, that has jurisdiction only within the Northwest Territories;
(d) a government or entity established to represent or act on behalf of an aboriginal people of Canada, including any government or entity established under a final self-government agreement or a comprehensive land claim agreement; and
(e) a charter community, city, hamlet, town, village or settlement corporation, or a board or public body established by an enactment of the Northwest Territories.

Form of delegation

65. (1) The terms and conditions of the delegation must be set out in a delegation agreement properly entered into by the hamlet with the other government or entity.

Power to administer and deliver service or program

(2) A hamlet has, subject to the terms and conditions of a delegation agreement, the power to administer and deliver any service or program delegated to the hamlet by the delegation agreement.

Dispute resolution

(3) A delegation agreement must include a provision describing a process for the settling of disputes among the parties to the agreement.

Prior agreement

(4) An agreement similar in nature and purpose to a delegation agreement that was entered into before the coming into force of this section is deemed to be a delegation agreement entered into under this section.

Real Property

Acquisition and use of real property

66. (1) A hamlet may, for a municipal purpose,

(a) purchase, lease or otherwise acquire real property;

(b) use, hold or develop real property owned by the hamlet; and

(c) subdivide, in accordance with the *Planning Act*, real property owned by the hamlet.

Limits on acquisition

(2) A hamlet may not purchase, lease or otherwise acquire real property unless

(a) the council has made a land administration bylaw and the purchase, lease or other acquisition is made in accordance with the land administration bylaw; or

(b) the purchase, lease or other acquisition is specifically authorized or approved by a bylaw.

Land adjacent to or under water

(3) For greater certainty, a hamlet may acquire fee simple title in any part of a parcel that is adjacent to or under a water body within the municipality.

Quarries

(4) For greater certainty, a hamlet may restore, establish and operate a quarry on

(a) Commissioner's land in the municipality, if authorized to do so under a lease or a delegation agreement; and

(b) land owned by the hamlet.

Mines and minerals

(5) For greater certainty, a hamlet may not acquire, by agreement, expropriation or otherwise, the fee simple interest in any mines or minerals, other than granular and other materials.

Procedural bylaw

(6) Subject to this Act, a hamlet may, by bylaw, provide for the manner and procedure for acquiring, holding, developing and disposing of real property owned by the hamlet.

Prohibition on disposition

67. (1) No person shall sell or dispose of any real property owned by the hamlet other than in accordance with this Act and the bylaws of the hamlet.

Disposition of real property

(2) A hamlet may not sell, lease or otherwise dispose of real property owned by the hamlet unless

(a) the council has made a land administration bylaw and the sale, lease or other disposition is made in accordance with the land administration bylaw; or

(b) the sale, lease or other disposition is specifically authorized or approved by a bylaw.

Exemption order

(3) Notwithstanding subsection (1), the Minister may, at the request of a council, by order, exempt a hamlet from compliance with paragraph (2)(a) for such period of time and subject to such conditions as the Minister considers appropriate.

Personal Property

Personal property

68. A hamlet may, for a municipal purpose,

(a) purchase, lease or otherwise acquire personal property; or

(b) hold or use personal property owned by the hamlet.

Prohibition

69. (1) No person shall sell or dispose of any personal property owned by the hamlet other than in accordance with this Act and the bylaws of the hamlet.

Disposition of personal property

(2) A hamlet may not sell, lease or otherwise dispose of personal property owned by the hamlet unless

(a) the personal property is not required for a municipal purpose; or

(b) the disposition of the personal property is necessary for or promotes a municipal purpose.

Procedural bylaw

(3) A hamlet may, by bylaw, provide procedures for the

(a) purchase, lease or other acquisition of personal property;

(b) use or holding of personal property owned by the hamlet; and

(c) sale, lease or other disposition of personal property owned by the hamlet.

Municipal Businesses, Services and Economic Development

Municipal services

70. (1) A hamlet may, for a municipal purpose,

(a) construct, operate, repair, improve and maintain works and improvements;

(b) acquire, establish, maintain, operate and deliver services, public utilities, infrastructure and facilities;

(c) use municipal equipment, materials and labour to carry out private works on private property.

Terms of service

(2) Subject to the *Public Utilities Act*, a council exercising the powers referred to in subsection (1) must, by bylaw,

(a) set the terms and conditions in respect of users;

(b) set reasonable rates or amounts of deposits, fees and other charges;

(c) provide for charging and collecting these deposits, fees and other charges;

(d) provide for criteria when it will discontinue or disconnect service or refuse to provide service; and

(e) provide for a right of entry onto private property to determine compliance with terms and conditions of use, to determine the amount of deposits, fees or other charges, or to disconnect a service.

New services, facilities or utilities

(3) A hamlet may not establish a service, facility or utility unless

(a) it obtains the approval of the Minister; or

(b) it is authorized to do so by the hamlet's investment plan.

Corporations

71. (1) A council may, with the approval of the Minister or where authorized by the hamlet's investment plan, establish a corporation or acquire or hold shares in a corporation for a municipal purpose.

Sole or joint holding

(2) The corporation may be established or its shares may be acquired or held

(a) solely by the hamlet; or
(b) jointly with one or more parties to a delegation agreement or alternate service delivery agreement, if provided for in the agreement.

Economic development powers

72. (1) Subject to section 73, a hamlet may encourage economic development for a municipal purpose, including the establishment, expansion or continuation of a business or industry in the municipality, in any manner it considers appropriate.

No loans or guarantees

(2) A hamlet may not purchase shares or provide loans or guarantees to encourage economic development.

Grants

(3) For greater certainty, a hamlet may provide grants to encourage economic development.

Agreements

(4) A hamlet may enter into an agreement for the purposes of this section with
(a) an individual or corporation;
(b) a government or entity with which it may enter into a delegation agreement; or
(c) a municipal government outside of the Northwest Territories.

Limitation on powers

73. (1) A hamlet that intends to sell products or services commercially, use municipal equipment, materials and labour to carry out private works on private property, establish a business or encourage economic development must first, by bylaw, adopt a municipal market disruption policy and a conflict of interest policy.

No adverse effect

(2) A hamlet may not engage in an activity referred to in subsection (1) if it will have a serious adverse effect on one or more existing businesses in the municipality, as defined by its market disruption policy.

Market disruption policy

(3) The market disruption policy must
(a) define what constitutes a serious adverse effect on one or more existing businesses in the municipality; and
(b) establish a procedure for advising the public, including competing businesses, of any proposed activity referred to in subsection (1) and giving them an opportunity to make submissions.

PART IV LEGISLATIVE POWERS

General Powers

General legislative powers

74. (1) In addition to any power to make bylaws in any other Act, a hamlet may make bylaws for municipal purposes respecting
(a) the safety, health and welfare of people and the protection of people and property;
(b) people, activities and things in, on or near a public place or a place that is open to the public;
(c) public nuisances, including unsightly property;
(d) transport and local transportation systems;
(e) the management, use and protection of lands, including land use planning in accordance with the *Planning Act*;
(f) businesses, business activities and persons engaged in business;
(g) public utilities;
(h) programs, services, infrastructure and facilities provided or operated by or on behalf of the hamlet;

(i) wild and domestic animals and activities in relation to them;
(j) the operation and internal management of the hamlet; and
(k) the enforcement of bylaws.

Limit on power to make bylaws

(2) The power of a hamlet to make bylaws is subject to all enactments of the Northwest Territories and Canada.

Conditions in specific bylaw powers

(3) The general powers to make a bylaw under this section are subject to any conditions on a power to make a specific bylaw set out elsewhere in this Act or any other enactment.

Effect of inconsistency

(4) A bylaw that is inconsistent with an enactment of the Northwest Territories or Canada, the bylaw is of no effect to the extent of the inconsistency.

Geographical limitation

75. (1) Subject to subsection (2), a bylaw applies only inside the boundaries of the municipality.

Exception

(2) If approved by the Executive Council on the recommendation of the Minister, a bylaw that serves the residents of the municipality may apply outside the boundaries of a municipality, but within the Northwest Territories, in respect of

(a) a public utility;
(b) an airport, aerodrome or facilities for them;
(c) fire protection services;
(d) ambulance services;
(e) recreation programs, services or facilities;
(f) a quarry; or
(g) a service or program delegated to the hamlet under a delegation agreement.

Exercising bylaw powers

76. For greater certainty, a bylaw may

(a) regulate or prohibit activities;
(b) create offences;
(c) adopt by reference, in whole or in part and with any changes the council considers necessary or advisable, a code or standard made or recommended by the Government of the Northwest Territories, Canada, a province, another territory or a recognized technical or professional organization, and require compliance with the code or standard;
(d) deal with any activity or thing in different ways, divide each of them into classes and deal with each class in different ways;
(e) establish fees or other charges for products, programs, services, public utilities, infrastructure and facilities provided or done by the hamlet or for the use of property under the ownership, direction, management or control of the hamlet;
(f) provide for a system of licences, permits or approvals, including
    (i) establishing fees that may be in the nature of a reasonable tax for the activity authorized or for the purpose of raising revenue,
    (ii) establishing higher fees for non-residents,
    (iii) prohibiting any activity or thing until a licence, permit or approval has been granted,
    (iv) providing that terms and conditions may be imposed on any licence, permit or approval, and specifying the nature of the terms and conditions and who may impose them,
    (v) setting out the conditions that must be met before a licence, permit or approval is granted or renewed, the nature of the conditions and who may impose them, and

(vi) providing for the duration of licences, permits and approvals and for their suspension or cancellation for a failure to comply with a term or condition or the bylaw or for any other reason specified in the bylaw,

(g) provide for a right of appeal and specify the body that is to decide the appeal and related matters, unless a right of appeal is already provided in this or any other Act;

(h) provide for procedures, including inspections, for determining whether bylaws are being complied with; and

(i) provide remedies for contraventions of bylaws.

Bylaw Procedures

Amending or repealing bylaw

77. (1) Subject to this Act, a hamlet may, by bylaw, amend or repeal a bylaw.

Limit on amendment or repeal

(2) The power of a hamlet to amend or repeal a bylaw is subject to the same conditions as the power to make the bylaw.

Readings of bylaws

78. (1) A bylaw must have three distinct and separate readings to be effective.

Number of readings at meeting of council

(2) No council may give more than two readings to a bylaw at any one meeting of the council unless all council members are present at the meeting and they all agree to give the bylaw third reading at that meeting.

Requirement for written bylaw

(3) A council may not give a bylaw third reading unless the bylaw is in writing.

Requirements for bylaws

79. (1) To be effective, a bylaw must be

(a) in writing;
(b) under the corporate seal of the hamlet;
(c) signed by the mayor or other presiding council member; and
(d) signed by the senior administrative officer.

Effective date of bylaw

(2) Subject to this Act, a bylaw is effective on the date it meets the requirements of subsection (1) or at such later date as the bylaw may fix.

Proof

(3) A copy of a bylaw under the corporate seal of the hamlet and certified by the senior administrative officer to be a true copy is admissible in evidence without further proof of validity.

Availability of copies

80. (1) The senior administrative officer shall ensure that a copy of every bylaw is available to the public as soon as possible after it receives third reading.

Transmittal of copies

(2) The senior administrative officer shall forward a copy of every bylaw to the Minister, or his or her designate, not later than 10 days after it receives third reading.

Approval of Bylaws

Time for obtaining approval
81. (1) Where, under this or any other enactment, a bylaw requires the approval of the voters, the Minister or some other authority, that approval must be obtained after the bylaw is introduced but before it receives third reading.

Evidence of approval
(2) Evidence that a bylaw has been approved by the voters, the Minister or some other authority, must be shown by

(a) the person who approved it signing the bylaw; or
(b) where a signature is not practicable, the senior administrative officer certifying on the bylaw that the approval was obtained.

Procedure for obtaining voter approval
82. (1) Approval of the voters under this Act for a bylaw must be obtained in accordance with the provisions of the *Local Authorities Elections Act* respecting an election, with such modifications as the circumstances require.

Time
(2) After the proposed bylaw is introduced, the council shall seek approval of the voters for the bylaw by holding a vote on it at the next general election or such earlier date as council decides.

Public notice
(3) At least two weeks before the date of the vote, the hamlet must give public notice stating that the council is seeking the approval of the voters for proposed bylaw and describing the purpose of the bylaw.

Entitlement to vote
(4) All voters in the municipality are entitled to vote on whether to approve the proposed bylaw.

Appointment of scrutineers
(5) The mayor shall, if requested, appoint in writing a sufficient number of persons from among those who support and those who oppose the proposed bylaw to act as scrutineers at each voting station and at the final count of the ballots.

Powers and duties of scrutineers
(6) The persons appointed as scrutineers have the same powers and duties as agents of a candidate at an election.

Limit on re-submission for approval
83. If a bylaw requiring approval of the voters does not receive that approval, the hamlet may not submit another bylaw having the same purpose to the voters within six months after the vote, unless the Minister allows an exception.

Approval option
84. For greater certainty, a hamlet may submit any bylaw to the voters for approval, including a bylaw that was the subject of an insufficient petition.

Voter Petitions

Right to petition
85. (1) The voters in a municipality may petition the council to submit a bylaw to the voters for approval, if it is on a subject within the legislative powers of the hamlet.

Requirements for a petition
(2) A petition must consist of one or more pages, each of which must contain an identical statement of the purpose of the petition, and must include, in respect of each petitioner,

(a) the printed surname and printed given names or initials of the petitioner;
(b) the petitioner's signature;
(c) a declaration that the petitioner, is to the best of his or her knowledge, an

eligible voter in the municipality; and
(d) the date on which the petitioner signs the petition.

Representative's statement
(3) The petition must have attached to it a signed statement of a person stating that
(e) the person is the representative of the petitioners; and
(f) the person will respond to inquiries about the petition from the hamlet.

Counting petitioners
86. (1) A petition must be filed with the senior administrative officer, who is responsible for determining if the petition is sufficient.

Cut off
(2) No name may be added to or removed from a petition after it has been filed with the senior administrative officer.

Excluding names
(3) When counting the number of petitioners on a petition, the senior administrative officer shall exclude any person
(a) whose signature appears on a page of the petition that does not have the same purpose statement contained on all the other pages of the petition;
(b) whose printed name is not included or is incorrect;
(c) whose signature is not dated;
(d) who is not an eligible voter; or
(e) who signed the petition more than 60 days before the date on which the petition was filed with the senior administrative officer.

Report on sufficiency of petition
87. (1) Within 30 days after the date on which a petition is filed, the senior administrative officer shall report to the council on whether the petition meets the requirements of this Act.

Insufficient petition
(2) If a petition does not meet the requirements of this Act, the council is not required to take any notice of it.

Action by council
88. (1) If at least 25% of the voters in the municipality have signed the petition, the council shall
(a) cause a bylaw conforming to the subject matter and intent of the petition to be prepared and read a first time;
(b) cause a copy of the bylaw to be forwarded to the Minister; and
(c) submit the bylaw to the voters for approval.

Duty to make bylaw
(2) If the bylaw referred to in subsection (1) receives approval of the voters, and the approval of the Minister where necessary, the bylaw as submitted shall be given second and third reading by the council within four weeks after the vote, without any alteration being made in the bylaw affecting its substance.

Time for holding vote
89. (1) If a petition to submit a bylaw for approval of the voters is filed with the senior administrative officer within 12 months before a general election, the hamlet may direct that the vote be conducted at the general election.

Limit on petitions on same subject
(2) If approval of the voters was sought for a bylaw as a result of a petition, the hamlet may refuse to receive any further petition on the same or a similar subject filed within one year after the date of the vote.

Bylaw made as a result of petition
90. A bylaw that received approval of the voters as a result of a petition may be amended or repealed only if
(a) the proposed amendment or repeal also receives approval of the voters; or

(b) at least three years have passed since the bylaw was made.

Quashing and Disallowing Bylaws and Resolutions

Application to quash

91. (1) Any person resident in the municipality or adversely affected by a resolution or bylaw may apply to the Supreme Court for an order quashing the resolution or bylaw.

Originating notice

(2) The application must be made by way of by originating notice in accordance with the *Rules of the Supreme Court of the Northwest Territories*.

Disallowance

92. The Minister, on the recommendation of the Executive Council, may disallow any bylaw for any reason within one year after the bylaw receives third reading.

Land Administration Bylaw

Land administration bylaw

93. (1) A land administration bylaw must provide for the procedures, terms and conditions for

(a) the purchase, lease or other acquisition of real property by the hamlet;
(b) the use, holding or development of real property owned by the hamlet; and
(c) the sale, lease or other disposition of real property owned by the hamlet.

Ministerial approval

(2) A land administration bylaw must be approved by the Minister.

Public notice and hearing

(3) Before giving third reading to a land administration bylaw, the council shall

(a) give at least two weeks public notice of the proposed land administration bylaw; and
(b) hear any person claiming to be affected by the bylaw who wishes to be heard.

Transport and Transportation Systems

Authority over municipal roads

94. (1) A hamlet may make bylaws only in respect of the following roads in the municipality:

(a) a road shown on a plan of survey registered under the *Land Titles Act*;
(b) a road on public land that is designed or intended for or used by the public but is not shown on a plan of survey registered under the *Land Titles Act*;
(c) a road on private land dedicated for public use by the owner by instrument in writing and adopted, by bylaw, as a municipal road;
(d) a road maintained at the expense of the hamlet on a frozen body of water or watercourse; and
(e) a road outside the municipality but designated as a municipal road by order of the Minister.

Primary highway

(2) Bylaws may be made in respect of a primary highway designated under the *Public Highways Act* in accordance with an agreement made under that Act.

Incidental powers

(3) For greater certainty, a bylaw may

(a) classify municipal roads for any purpose the council considers necessary;
(b) adopt as a municipal road any road on private land dedicated for public use by

the owner by instrument in writing;

(c) designate parts of municipal roads as sidewalks, curbs, medians and other component parts;

(d) provide for the naming or numbering of municipal roads and the numbering of buildings;

(e) provide for the construction of
  (i) roads on municipal land;
  (ii) roads on land expropriated for that purpose under the *Expropriation Act*; and
  (iii) works on municipal roads;

(f) provide for the repair of municipal roads and works on municipal roads;

(g) provide for the removal of snow, ice, dirt, garbage or other obstructions from municipal roads by
  (i) the hamlet,
  (ii) the owner or occupier of property adjacent to the municipal road, or
  (iii) any person responsible for depositing it on the municipal road; and

(h) prohibit and provide for the removal of encroachments, obstructions and nuisances on municipal roads.

Duty to repair roads and places

95. A hamlet shall keep each road and other public place that is subject to its direction, control or management, including works in, on or above the road or public place put there by the hamlet or by any other person with the permission of the hamlet, in a state of reasonable repair, having regard to the character of the road, place or work and the area of the municipality in which it is located.

Opening and closing roads

96. (1) A by bylaw may provide for the opening and closing of municipal roads.

Right to compensation and access

(2) A hamlet may not close a municipal road if it prevents a person from entering or leaving his or her real property or residence, unless the council provides the person with reasonable compensation and another convenient means of access.

Temporary closure

(3) A hamlet may, by resolution, temporarily close a municipal road for a fixed period of time.

Notice of closure

(4) Where a hamlet temporarily closes a municipal road, it shall

(a) cause signs or signal devices to be erected to warn traffic of the closure;

(b) give public notice of the closure; and

(c) provide any person who would be prevented from entering or leaving his or her real property or residence with other convenient means of access.

Public notice and hearing

97. Before giving third reading to a bylaw that will open, establish, close, widen, divert or dispose of a municipal road, the council shall

(a) give public notice of the proposed bylaw at least two weeks in advance; and

(b) hear any person claiming to be affected by the bylaw who wishes to be heard.

Operation of airports

98. (1) A hamlet may, under a licence and agreement referred to in subsection (2), make bylaws

(a) respecting the operation of airports or aerodromes and facilities for them; and

(b) respecting other matters that are necessary to implement or operate the agreement or arising as a result of the agreement.

Airport licence

(2) A bylaw referred to in subsection (1) may only be made under the authority of
(a) one or more licences issued under the *Aeronautics Act* (Canada); and
(b) an agreement with the owner of the airport or aerodrome.

Municipal Services

Establishment and regulation of systems
99. (1) A bylaw may
(a) establish a water distribution system for the supply of water for drinking and other purposes in the municipality;
(b) establish a sewage system to collect, convey and dispose of sewage;
(c) establish a drainage system to collect, convey and dispose of surface and other waters;
(d) regulate the design and installation of a water distribution system or a sewage or drainage system owned or operated by persons other than the hamlet;
(e) regulate the operation, maintenance and alteration of a water distribution system or a sewage or drainage system established or acquired by the hamlet; and
(f) prohibit or regulate the discharge of substances and liquids into a water distribution system or a sewage or drainage system.

Source of funding
(2) A bylaw made under subsection (1) must state the sources of funding for all costs that will be incurred by the hamlet as a result of the bylaw.

Mandatory connection to system
100. (1) A bylaw may require the owners of real property to connect their buildings and structures to a water distribution system or a sewage or drainage system in the municipality in the manner required by the bylaw.

Costs of connection
(2) A bylaw may impose a charge on the owner of real property for the costs incurred by the hamlet in providing a connection between a water distribution system or a sewage or drainage system and the edge of the real property to be served.

Municipal services agreements
101. A hamlet may enter into a municipal services agreement to provide public utilities or services to persons outside the municipality.

Utility Franchises

Grant of franchises
102. (1) A bylaw may grant a franchise to a person and authorize the person to provide public utilities to persons in the municipality.

Terms and conditions
(2) A franchise may be exclusive or not and may be granted on the terms and conditions that the council considers necessary or advisable.

Incidental powers
(3) A franchise may authorize the person providing the public utility to construct, operate or remove poles, wires, conduits, buildings, structures or vehicles on municipal roads or in public places.

Voter approval
(4) Unless exempted under subsection (5), a bylaw made under this section must receive approval of the voters.

Exemption from voter approval

(5) The Minister may, by order at the request of a council, exempt a bylaw made under this section from the need for approval of the voters.

Term

103. (1) A hamlet may not grant a franchise for a term exceeding 20 years.

Renewal

(2) A hamlet may, from time to time, by bylaw, renew the term of a franchise for further terms not exceeding 10 years each.

Action on expiration of franchise

(3) If a franchise is not renewed, a hamlet may, with the approval of the Minister, purchase any or all of the rights under the franchise and any or all property used in connection with the franchise on terms agreed upon by the parties or, failing agreement, on terms determined by a sole arbitrator under the *Arbitration Act*.

Limitations on Powers

Prohibition on exemptions

104. Unless specifically authorized by an enactment, no hamlet may grant a specific person an exemption from

(a) any tax, rate, rent or other charge payable to the hamlet; or

(b) the application of a bylaw.

Limit on powers after election day

105. (1) During the period commencing on election day and ending on the day the term of new council members begins, no council or council member may

(a) make a bylaw or resolution that will result, directly or indirectly, in an expenditure not set out in the budget for the current fiscal year;

(b) enter into a contract or obligation on behalf of the hamlet; or

(c) appoint or dismiss any officer.

Exception

(2) Notwithstanding subsection (1), a council or council member may do those things referred to in that subsection if

(a) it is in the public interest and is urgently required; or

(b) it is authorized by a bylaw made before the election day.

PART V FINANCIAL AFFAIRS

Budgets

Fiscal year

106. The fiscal year for a hamlet is

(a) the period commencing on April 1 and ending on March 31 in the following year; or

(b) the calendar year, if the hamlet is a municipal taxing authority.

Adoption of budget

107. (1) A council shall, by resolution, before each fiscal year, adopt a budget for the fiscal year.

Content of budget

(2) The budget must include estimates of

(a) all expenditures to be incurred by the hamlet, including

  (i) payments in respect of debts,

  (ii) operating expenditures,

  (iii) capital expenditures, and

  (iv) grants;

(b) all revenues to be received by the hamlet, including
  (i) charges for municipal services, and
  (ii) grants and contributions; and
(c) any sum required to meet a deficit of the hamlet, if any, in the preceding fiscal year.

Budget of municipal taxing authority

(3) The budget of a municipal taxing authority must include estimates of
(a) property taxes to be received by the hamlet; and
(b) all school taxes that may be collected by the hamlet and forwarded under the *Property Assessment and Taxation Act* or the *Education Act*.

Guidelines

(4) The hamlet must follow any guidelines issued by the Minister regarding the form and content of budgets.

Public access to budgets

108. (1) A hamlet shall make a copy of the current budget available to the public.

Forwarding copy of budget

(2) A council shall ensure that a copy of the budget is forwarded to the Minister or his or her designate.

Surplus

109. (1) A hamlet may save any surplus at the end of a fiscal year for use in future fiscal years.

Deficit

(2) A hamlet shall eliminate any deficit at the end of a fiscal year by the end of the next fiscal year, unless the deficit is authorized by its debt management plan.

Expenditures and Disbursements

Expenditure control

110. (1) No person shall, on behalf of the hamlet, incur an expenditure that is not included in, or is inconsistent with, the budget for the fiscal year.

Exception

(2) A person may incur an expenditure on behalf of the hamlet, notwithstanding that the council has not yet adopted a budget or the expenditure is not included or is inconsistent with the budget, if
(a) the hamlet is legally obligated to incur the expenditure; or
(b) the council has expressly authorized the expenditure by resolution.

Use of borrowed money

111. No person shall expend any money borrowed or acquired under any long-term debt entered into by a hamlet, for a purpose other than those set out in the bylaw authorizing the long-term debt.

Deposit of money

112. (1) The senior administrative officer shall ensure that all money received by or on behalf of the hamlet is deposited to the credit of the hamlet in accounts in financial institutions designated by the council.

Disbursements

(2) A disbursement of money belonging to the hamlet must be made by a cheque or other negotiable instrument that is
(a) drawn on or made from an account referred to in subsection (1);
(b) signed or authorized by the mayor or a councillor designated by the council; and
(c) signed or authorized by the senior administrative officer.

Reproduction of signatures

(3) The signature of any person referred to in paragraph (2)(b) or (c) may, if authorized by bylaw, be engraved, lithographed, printed or mechanically reproduced for the purpose of issuing cheques.

Petty cash funds and imprest bank accounts
(4) Notwithstanding subsection (2), a hamlet may authorize the establishment and use of petty cash funds and imprest bank accounts.

General municipal fund
113. (1) A hamlet must have a general municipal fund to record all transactions and balances related to the general operations of the hamlet.

Other funds
(2) In addition to the general municipal fund, one or more other funds may be established by bylaw for the purpose of carrying on specific activities or achieving specific objectives.

Matters relating to other funds
(3) A hamlet shall, by bylaw, in respect of each fund established under subsection (2),
(a) designate the name of the fund;
(b) describe the purpose of the fund;
(c) describe what the fund will be composed of;
(d) describe the specific purposes of any reserves that will be created under the fund; and
(e) make such rules governing the operation of the fund as the council considers necessary or advisable.

Reserves
114. (1) A council may segregate portions of a fund established under subsection 113(2) as reserves for specific future purposes.

Matters relating to reserves
(2) A council shall, in respect of each reserve created under subsection (1),
(a) designate the name of the reserve;
(b) describe what the reserve will be composed of; and
(c) make such rules governing the operation of the reserve as the council considers necessary or advisable.

Indemnities and allowances to council members
115. (1) Payments for the following matters may only be made pursuant to a bylaw that is made with the approval of the Minister:
(a) an annual indemnity to the mayor;
(b) an annual indemnity to the councillors;
(c) an honorarium to council members for attending meetings of council or committees of council or for performing any other duties;
(d) a reasonable allowance for expenses necessarily incurred in the performance of a council member's duties; and
(e) a retirement, death or disability benefit to the mayor and councillors.

Public notice
(2) Before giving third reading to a bylaw under subsection (1), the council shall give two weeks public notice of the proposed bylaw.

Financial Statements

Preparation of financial statements
116. (1) The senior administrative officer shall ensure that the financial statements of the hamlet are prepared for each fiscal year.

Requirements of financial statements

(2) The financial statements must be prepared

- (a) in accordance with an appropriate disclosed basis of accounting;
- (b) on a basis consistent with that of the preceding fiscal year or on another disclosed basis;
- (c) in accordance with the generally accepted accounting principles recommended for municipal governments from time to time by the Canadian Institute of Chartered Accountants; and
- (d) in accordance with any supplementary standards or any modifications of the principles referred to in paragraph (c) set out in guidelines issued by the Minister.

Content of financial statements

(3) The financial statements must include a statement showing the amount of compensation, expenses and any other payment made to each council member, or to each member of a committee of council, in sufficient detail that the type of each payment and the total amount of payments made to or on behalf of each member can be determined.

Time of submission

(4) The financial statements must be submitted to the Minister no later than 120 days after the end of the fiscal year.

Auditor

117. (1) A council shall appoint an auditor for the hamlet.

Qualifications

(2) The auditor must be a person entitled to practice as an accountant under

- (a) the *Institute of Chartered Accountants Act*;
- (b) the *Certified General Accountants Association Act*; or
- (c) the *Society of Management Accountants Act*.

Disqualifications

(3) No person may be appointed as an auditor if, at the time of appointment or during the current or preceding fiscal year, the person or an employee or partner of the person was a council member or an officer of the hamlet.

Notice of appointment

(4) A hamlet shall give written notice to the Minister of the appointment or revocation of an auditor, within 30 days after the appointment or revocation.

Compulsory revocation of appointment

(5) The Minister may, by written notice, require a council to revoke the appointment of an auditor if, in the opinion of the Minister, the auditor

- (a) is incapable of, or unable to, satisfactorily performing the duties of auditor; or
- (b) has failed to satisfactorily carry out his or her duties under this Act.

Report of auditor

118. (1) An auditor shall report annually to the council on the results of his or her examination of the accounts and financial statements of the hamlet and shall

- (a) state whether, in his or her opinion,
    - (i) the financial statements present fairly the financial position as at the end of the fiscal year and the results of the operations and the changes in financial positions for that fiscal year, in accordance with an appropriate disclosed basis of accounting consistently applied,
    - (ii) proper books of account have been kept and the financial statements are in agreement with the books of account, and
    - (iii) the transactions that have come under his or her notice are in

accordance with this Act and the regulations, and the bylaws of the hamlet; and

(b) report on any other matter falling within the scope of his or her examination that, in his or her opinion, should be commented on.

Powers of auditor

(2) An auditor may require any council member or any employee

(a) to produce all records kept in respect of the administration of the hamlet; and

(b) to provide such information and explanations as the auditor considers necessary.

Place of audit

(3) An auditor must conduct the audit in the municipality, unless he or she obtains the permission of the council or a judge of the Supreme Court to conduct it elsewhere.

Public access to financial statements

119. A copy of the hamlet's financial statements and auditor's reports must be made available to the public.

Borrowing Money

Procedure

120. (1) Notwithstanding any other enactment, a hamlet may only borrow money in accordance with this Act.

Municipal purpose

(2) A hamlet may only borrow money for a municipal purpose.

Other purposes

(3) For greater certainty, the borrowing of money by a hamlet authorized under another enactment, including the *Northwest Territories Housing Corporation Act*, shall be considered a municipal purpose.

Other requirements

(4) A hamlet that borrows money under the authority of another enactment must, in addition to the requirements of this Act, comply with the provisions governing borrowing of that enactment.

Borrowing limits

121. (1) A hamlet may not borrow money that exceeds the limits for short-term or long-term borrowing established by the regulations.

Bylaw

(2) All borrowing of money by a hamlet must be authorized by a bylaw that provides for those administrative matters in respect of the borrowing that the council considers necessary or advisable.

Short-term borrowing

122. (1) A hamlet may borrow money for a short-term period if the amounts are used to meet expenditures lawfully authorized to be incurred during the fiscal year but which cannot be met from current revenues.

Form of borrowing

(2) The short-term borrowing of money under subsection (1) may be entered into by way of overdraft, line of credit, temporary loan, unsecured note or other arrangement.

Long-Term Debt

Long-term borrowing

123. (1) A hamlet may borrow money for a long-term period only for capital purposes.

Possible lenders

(2) A hamlet may borrow money for a long-term period only from a prescribed lender or a lender who is a

member of a prescribed class of lenders.

Bylaw needed
124. (1) A hamlet may borrow money on a long-term basis only if the long-term debt to be created is specifically authorized by a bylaw.

Content of long-term debt bylaw
(2) A bylaw authorizing a long-term debt must
- (a) set out the principal amount to be borrowed;
- (b) set out the specific purpose for which the money is being borrowed;
- (c) set out the maximum term of any security or debt instrument to be issued or entered into in respect of the proposed long-term debt; and
- (d) authorize the creation of the proposed long-term debt and the issue or entering into of securities or debt instruments in amounts not exceeding in total the amount to be borrowed.

Administrative matters
(3) A bylaw authorizing a long-term debt may provide for
- (a) resetting the payment rate, interest rate or financing costs, from time to time; and
- (b) such administrative matters in respect of the proposed long-term debt as the council considers necessary or advisable.

Information to Minister
(4) Before the hamlet enters into any long-term debt, the senior administrative officer shall forward to the Minister
- (a) a copy of any proposed security or debt instrument in respect of the long-term debt; and
- (a) a description of the sources of revenues that the hamlet proposes to use to make the required payments under the long-term debt.

Approvals
125. (1) Subject to this section, no long-term debt has effect unless the bylaw specifically authorizing it is approved by the voters and the Minister.

Exemptions from voter approval
(2) A bylaw authorizing a long-term debt does not require approval of the voters if
- (a) the Minister orders that it be exempt from voter approval in accordance with criteria established by the regulations; or
- (b) the amount of the proposed long-term debt is below the prescribed limit.

Exemption from Ministerial approval
(3) A bylaw authorizing a long-term debt does not require the approval of the Minister if
- (a) the proposed long-term debt is authorized by the hamlet's debt management plan; or
- (b) the proposed long-term debt is to be used to refinance or consolidate one or more existing long-term debts.

Refinancing exemption
(4) A bylaw authorizing a long-term debt is exempt from approval of the voters or Minister if
- (a) the long-term debt is to be used to refinance an existing long-term debt that was itself exempt from that approval;
- (b) the principal amount to be borrowed does not exceed the principal amount borrowed under the long-term debt being refinanced;
- (c) the term of any security or debt instrument to be issued or entered into does not exceed the term of those being refinanced; and
- (d) the total amount of principal and interest payable does not exceed the amount of principal and interest that was payable over the term of the long-term debt being

refinanced.

Securities and debt instruments
126. (1) Any security or debt instrument issued or entered into by a hamlet in respect of a long-term debt must be

(a) issued or entered into in accordance with a bylaw;
(b) signed by the mayor or by a councillor designated by the council;
(c) signed by the senior administrative officer; and
(d) issued or entered into under the corporate seal of the hamlet.

Evidence
(2) The Minister may, if satisfied that the requirements of this Act have been met, provide a letter to the hamlet certifying that a security or debt instrument respecting a long-term debt was properly issued or entered into and, in the absence of evidence to the contrary, that letter is proof that the security or debt instrument was issued or entered into in accordance with this Act.

Validity
(3) The validity of the security or debt instrument certified by the Minister under subsection (2) shall not be questioned by any court and is, to the extent of the revenues of the hamlet, a good and indefeasible security or instrument in the hands of any person holding it in good faith.

Term of long-term debt
127. (1) If a long-term debt is being created by a hamlet to acquire or use an asset

(a) the term of the long-term debt must be no greater than the expected life of the asset; and
(b) the entire cost of the asset must be paid out over the term of the long-term debt, unless otherwise authorized by bylaw.

Repayment of unexpended money
(2) A hamlet must repay the unexpended balance of any long-term debt with the Government of the Northwest Territories within 60 days after the purposes for which the money was borrowed were achieved.

Repayment of borrowed money
(3) A hamlet must repay any money it borrowed from the Government of the Northwest Territories for a long-term period in accordance with the repayment terms established by the Government of the Northwest Territories at the time of borrowing.

Long-term financial commitments
128. A hamlet may enter into a long term financial commitment in the same manner and subject to the same conditions as a long-term debt and the provisions of this Act respecting long-term debt apply to long-term financial commitments with such modifications as the circumstances require.

Regulations
129. (1) The Commissioner, on the recommendation of the Minister, may make regulations

(a) prescribing the maximum amounts that a hamlet may borrow on a short-term or long-term basis;
(b) requiring additional conditions before a long-term debt or long-term financial commitment is entered into by a hamlet; and
(c) establishing criteria for exempting a long-term debt or long-term financial commitment from approval of the voters.

Specific regulation
(2) A regulation made under this section may be specific to, or distinguish among, one or more different hamlets.

Debt Management Plans

Debt management plan
130. (1) A hamlet may, by bylaw with the approval of the Minister, adopt a plan to responsibly manage the hamlet's debt.

Term of plan
(2) A debt management plan may not have a term exceeding five years.

Contents of plan
(3) A debt management plan must include the prescribed information.

Review
(4) A council shall review the hamlet's debt management plan not less than once every five years.

Public access
(5) A copy of the hamlet's debt management plan must be made available to the public.

Local Improvements

Undertaking local improvements
131. (1) A hamlet may only undertake a local improvement if it is authorized by a bylaw.

Contents of bylaw
(2) A bylaw authorizing a local improvement must set out

- (a) the nature of the local improvement;
- (b) which parcels of real property the council considers will principally benefit from the local improvement;
- (c) the total estimated costs of the local improvement and the nature of those costs;
- (d) the proportion of the costs that would be financed by
  - (i) a local improvement charge levied against the real property principally benefiting from the local improvement,
  - (ii) general revenues of the hamlet, and
  - (iii) any short-term debt and long-term debt;
- (e) the total estimated amount of the local improvement charges to be levied;
- (f) the period over which the local improvement charges would be payable; and
- (g) the conditions on which the local improvement charges, in respect of a parcel of real property, could be paid in a lump sum.

Public hearing and notice
132. (1) Before second reading of a local improvement bylaw, a council shall

- (a) hold a public hearing on the local improvement bylaw;
- (b) give at least 14 days public notice of the purpose, date, time and place of the hearing; and
- (c) ensure that notice of intent to make the local improvement bylaw is sent to every person who would be required to pay any local improvement charges.

Content of notice
(2) The notice of intent referred to in paragraph (1)(c) must be in writing and include

- (a) a description of the local improvement;
- (b) an estimate of its costs;
- (c) an estimate of the local improvement charges; and
- (d) a description of the options for payment of the local improvement charges.

Consent of affected persons
133. (1) Before third reading of a local improvement bylaw, a hamlet must obtain written consent to the making of the local improvement bylaw from at least 60% of the persons who would be required to pay the local improvement charges.

Majority value

(2) For the consent to be sufficient, the persons referred to in subsection (1) must represent at least 50% of the assessed value of all real property in respect of which the local improvement charges will be levied.

Certification of consent

(3) The senior administrative officer shall certify to the council whether the consent required by this section has been obtained.

Exemption from voter approval

134. (1) A long-term debt created for the purpose of financing a local improvement does not require approval of the voters if

(a) the costs of the long-term debt are completely financed by local improvement charges; and

(b) the local improvement bylaw receives the consent of the persons who would be required to pay local improvement charges in accordance with section 133.

Approval of Minister

(2) For greater certainty, a long-term debt created for the purpose of financing a local improvement requires the approval of the Minister, unless otherwise exempt from that approval under section 125.

Levy of local improvement charges

135. (1) After a local improvement is complete, a hamlet may, by bylaw,

(a) establish the method for assessing the amount of the local improvement charge;

(b) establish the amount and manner of payment of the local improvement charges; and

(c) authorize the levy of a local improvement charge against the real property that, in the opinion of the council, principally benefits from the local improvement.

Use of local improvement charges

(2) A hamlet shall use local improvement charges only for the purpose of financing a local improvement.

Other source of financing

(3) A hamlet may finance a portion of the costs of a local improvement from the general revenue of the hamlet.

Forgiveness of Debts

Bylaw requirement

136. (1) A hamlet may only forgive a debt if the forgiveness is specifically authorized by a bylaw.

Contents of bylaw

(2) A bylaw that forgives a debt owed to the hamlet must set out

(a) the name of the debtor;

(b) the date the debt was incurred;

(c) the nature of the debt;

(d) the amount of the debt; and

(e) the reason for the forgiveness.

Conditions

(3) A hamlet may only forgive a debt owed to it, in whole or in part, if

(a) the council is satisfied that the debt is not collectable or there are other reasons justifying the forgiveness of the debt;

(b) in the case of a hamlet that is not a municipal taxing authority, the bylaw is approved by the Minister; and

(c) in the case of a debt in respect of property taxes, the bylaw is approved by the Minister and no special lien attaches against land for non-payment of the property taxes.

Public notice
(4) Before giving a bylaw that forgives a debt third reading, the council shall give at least 30 days public notice of the bylaw.

Effect of forgiveness
(5) Once a debt owed to the hamlet is forgiven in accordance with this section, the obligation to pay it ceases.

Grants

Grants
137. (1) A hamlet may make a grant only by a resolution of the council for a purpose that the council considers will benefit residents of the municipality.

Maximum amount
(2) The total amount of all grants made by a hamlet in a fiscal year may not exceed 2% of the total expenditures of the hamlet as set out in its budget.

Public notice
(3) Before making a grant to any person or group not resident in the municipality, the council shall first give at least 14 days public notice of the grant.

Loans and Guarantees

Loans and guarantees bylaws
138. A hamlet may only lend money or guarantee the repayment of a loan if it is authorized by
(a) a bylaw made with the approval of the Minister; and
(b) a delegation agreement or alternate service delivery agreement.

Recipients of loans
139. (1) A hamlet may only lend money to
(a) a charter community, hamlet, village, town, city or settlement corporation within the Northwest Territories; or
(b) a board, commission or corporation jointly controlled by one or more charter communities, hamlets, villages, towns, cities or settlement corporations within the Northwest Territories.

Contents of loan bylaw
(2) A bylaw authorizing a loan must set out
(a) the principal amount of money to be lent;
(b) the purpose for which the money is to be used;
(c) the minimum rate of interest on the loan;
(d) the term of the loan;
(e) the terms of repayment of the loan; and
(f) the source or sources of the money to be lent.

Recipients of guarantees
140. (1) A hamlet may only guarantee the repayment of a loan that is made to
(a) a charter community, hamlet, village, town, city or settlement corporation within the Northwest Territories; or
(b) a board, commission or corporation jointly controlled by one or more charter communities, hamlets, villages, towns, cities or settlement corporations within the Northwest Territories.

Contents of guarantee bylaw
(2) A bylaw authorizing a guarantee shall set out

(a) the amount of money to be borrowed under the loan to be guaranteed;
(b) the purpose for which the money is borrowed;
(c) the rate of interest under the loan or how the rate of interest is calculated, the term and the terms of repayment of the loan; and
(d) the source of the money that would be used to pay any principal and interest owing under the guarantee.

Investments

Authorized investments
141. (1) A senior administrative officer may, if authorized by the council, invest surplus money belonging to the hamlet in

(a) securities issued or guaranteed by
  (i) the Government of Canada or an agency of the Government of Canada, or
  (ii) the government of a province or territory or an agency of the government of a province or territory;
(b) securities the payment of which is a charge on the Consolidated Revenue Fund of the Government of Canada, a province or territory;
(c) securities of a municipal government in Canada;
(d) securities of a Canadian municipal participation corporation;
(e) securities issued or guaranteed by a bank, credit union or trust corporation;
(f) securities that are insured by the *Canada Deposit Insurance Corporation Act*;
(g) investments authorized by the Minister by regulation; and
(h) units in pooled funds of any of the investments described in paragraphs (a) to (g).

Pooled funds
(2) A hamlet may, if authorized by a delegation agreement, form a pooled investment fund with a charter community, city, hamlet, town or village, or any other prescribed entity.

Authorized investments
(3) The money in a pooled investment fund may be used only to make investments authorized under subsection (1).

Investment plan
142. (1) A hamlet may, by bylaw, adopt a plan to manage its investments and surplus.

Approval
(2) The bylaw adopting an investment plan must receive the approval of the Minister.

Term
(3) A hamlet's investment plan may not have a term exceeding five years.

Contents of plan
(4) A hamlet's investment plan must include the prescribed information.

Public access
(5) A copy of the hamlet's investment plan must be made available to the public.

Location of investments
143. (1) A hamlet may invest in projects outside the municipality, if the investment is approved by the Minister or authorized by the hamlet's investment plan.

Regulations
(2) The Commissioner in Executive Council may make regulations
(a) prescribing standards and guidelines for investments made by a hamlet; and

(b) governing the content, term and approval process for a hamlet's investment plan.

Public Hearing

Public hearing

144. (1) A council shall hold a public hearing before making a local improvement bylaw or a bylaw to adopt an investment plan or a debt management plan.

Public notice

(2) After giving first reading to a proposed bylaw to adopt a investment plan or a debt management plan, and before giving it second reading, a council shall give public notice of

(a) the purpose of the bylaw;
(b) the place or places where a copy of the proposed bylaw and the plan may be inspected by the public;
(c) the time and place at which the council will hold a public hearing on the proposed bylaw; and
(d) any procedural requirements for submissions.

Availability of proposed bylaw and plan

(3) A copy of the proposed bylaw and plan must be made available to the public.

Submissions

(4) Before giving public notice under subsection (2), a council may establish the procedure to be followed by persons who wish to submit representations to the council concerning the bylaw, including

(a) requiring the submission of written representations to the council prior to the public hearing; and
(b) regulating the presentation of oral submissions at the public hearing.

Deadline for hearing

(5) The public hearing must be held not be less than 10 days after the giving of public notice.

Hearing

(6) A council shall hold a public hearing at the time and place stated in the public notice, and at the hearing shall hear

(a) any person or group who wishes to make representations concerning the proposed bylaw; and
(b) any designate of the Minister.

Multiple hearings

(7) A council may hold more than one public hearing, if public notice is given of the time and place of each public hearing.

PART VI LIABILITY AND ENFORCEMENT

Limitations on Liability

Protection for council members

145. (1) Subject to the *Conflict of Interest Act* and excluding anything said or brought with malicious intent, no council member is liable to any civil action, prosecution, arrest, imprisonment or damages by reason of

(a) anything said by the council member in a meeting of council or a committee of council; or
(b) anything brought before council or a committee of council by the council member.

Protection from liability

(2) Subject to the *Conflict of Interest Act*, the following persons are not personally liable for loss or damage by reason of anything said or done or omitted to be done in the performance or intended performance of his or her functions, duties or powers under this Act:

(a) a council member;
(b) a member of a committee of council;
(c) a member of a board, commission or other body established by the hamlet under this Act;
(d) an officer;
(e) a volunteer member of a fire, ambulance or emergency measures organization established by the hamlet;
(f) a volunteer delivering a service on behalf of the hamlet under the supervision of an employee of the hamlet.

Exemption

(3) Subsection (2) is not a defence where

(a) the cause of action is defamation; or
(b) the person was dishonest, grossly negligent or guilty of wilful misconduct.

Liability of hamlet

(4) This section does not affect the legal liability of the hamlet.

Liability for acting in accordance with statutory authority

146. (1) Subject to this Act and any other enactment, a hamlet is not liable for loss or damage caused by any thing done or not done by the hamlet in accordance with the authority of this Act or any other enactment, unless the cause of action is negligence or any other tort.

Non-negligence actions

(2) A hamlet is not liable in an action based on nuisance, or on any other tort that does not require a finding of intention or negligence, for any loss or damage arising, directly or indirectly, from roads, dikes, ditches or dams or from the operation or non-operation of a public utility.

Exercise of discretion

(3) A hamlet with discretion to do something is not liable for exercising, in good faith, its discretion not to do it.

Inspections and maintenance

(4) A hamlet is not liable for loss or damage caused by

(a) an inspection or maintenance system;
(b) the manner of performing inspections or maintenance; or
(c) the frequency, infrequency or absence of inspections or maintenance.

Remedying the contravention of bylaws

147. A hamlet is not liable for loss or damage caused by it in remedying, or attempting to remedy, a contravention of a bylaw, unless the hamlet is grossly negligent.

Snow on roads

148. (1) A hamlet is not liable for loss or damage caused by snow, ice or slush on roads or sidewalks in the municipality, unless the hamlet is grossly negligent.

Things on or adjacent to roads

(2) A hamlet is not liable for loss or damage caused

(a) by the presence, absence or type of any wall, fence, guardrail, railing, curb, pavement markings, traffic control device, illumination device or barrier adjacent to or in, along or on a road, or
(b) by or on account of any construction, obstruction or erection or any situation, arrangement or disposition of any earth, rock, tree or other material or thing adjacent to or in, along or on a road that is not on the travelled portion of the road.

Liability for disrepair
149. (1) A hamlet is liable for loss and damage caused by the hamlet failing to perform its duty under subsection 95 if the hamlet knew or should have known of the state of disrepair.

Other roads
(2) This section does not apply to any road made or laid out by a private person or any work made to or done on a road or place by a private person until the road or place is subject to the direction, control and management of the hamlet.

Other persons
(3) A hamlet is not liable under this section in respect of acts done or omitted to be done by persons exercising powers or authorities conferred on them by law if the hamlet had no control over those persons and is not a party to those acts or omissions.

Exclusions
(4) A hamlet is not liable under this section if
(a) the hamlet proves that it took reasonable steps to prevent the disrepair from arising; or
(b) the loss or damage suffered by the claimant is the same as that suffered by all other persons affected by the state of disrepair.

Traffic control devices
(5) If the loss or damage was caused by the removal, destruction or defacement of a traffic control device by someone other than an employee or agent of the hamlet, the hamlet is liable under this section only if it
(a) had actual notice of the defacement, removal or destruction; and
(b) failed to restore, repair or replace the traffic control device in a reasonable period of time.

Notice without delay
150. (1) A person who brings an action referred to in sections 148 and 149 must notify the hamlet of the event that gives rise to the action within 30 days after the occurrence of the event or within such longer period of time as the hamlet may establish by bylaw.

Exception
(2) Failure to notify the hamlet within the time required by subsection (1) bars the action unless
(a) there is a reasonable excuse for the lack of notice and the hamlet is not prejudiced by the lack of notice;
(b) the loss or damage complained of is the death of a person; or
(c) the hamlet waives, in writing, the requirement for notice.

Limitation period
151. An action referred to in sections 148 and 149 may not be commenced later than two years after the loss or the damage was sustained.

Enforcement

Bylaw officers
152. (1) A council may appoint bylaw officers to enforce any or all of its bylaws and establish their specific duties.

Duty to enforce bylaws appointed to enforce
(2) A bylaw officer shall enforce those bylaws of the hamlet that he or she is appointed to enforce under subsection (1).

Duty to enforce other Acts
(3) A bylaw officer is an officer as defined in the *Motor Vehicles Act* and shall enforce that Act and the *All-terrain Vehicles Act*.

Municipal prosecutions
153. A bylaw officer may represent the hamlet before a justice of the peace in the prosecution of a person charged with an offence under a bylaw.

Property Entry and Inspections

Inspections
154. A hamlet may, by bylaw, provide for the inspection of buildings, structures and excavations to ensure compliance with its bylaws.

Notice of certain bylaws
155. A council may not give third reading to a bylaw that authorizes the entry into or use of real property without the consent of its owner or occupier, unless the council first gives public notice of a summary of the bylaw or, if the real property of a specific person is affected, actual notice to that person.

Inspections and enforcement
156. (1) If this Act or any other enactment or a bylaw authorizes or requires anything to be inspected, remedied, enforced or done by a hamlet, an officer may, after giving reasonable notice to the owner or occupier of the land or structure affected,

(a) enter the land or structure at any reasonable time, and carry out the inspection, remedy, enforcement or action authorized or required by the enactment or bylaw;
(b) request anything be produced to assist in the inspection, remedy, enforcement or action; and
(c) make copies of anything related to the inspection, remedy, enforcement or action.

Identification
(2) The officer shall, on request, display or produce identification showing that the person is authorized to make the entry.

Imminent danger
(3) The officer authorized to perform a task under subsection (1) need not give reasonable notice and may enter at any hour and perform a task referred to in subsection (1) without the consent of the owner or occupant, if the officer or the council is of the opinion that

(a) there is imminent danger to public health and safety; or
(b) the action is warranted by extraordinary circumstances.

Limitation
(4) Nothing in this section authorizes the hamlet to remedy the contravention of an enactment or bylaw.

Remedies

Court authorized inspections and enforcement
157. (1) A hamlet may apply to the Supreme Court for an order under subsection (2) if a person

(a) refuses to allow or interferes with the entry, inspection, remedy, enforcement or action referred to in section 156; or
(b) refuses to produce anything to assist in the inspection, remedy, enforcement or action referred to in section 156.

Court order
(2) The court may issue an order

(a) restraining a person from preventing or interfering with the entry, inspection, remedy, enforcement or action; or
(b) requiring the production of anything to assist in the inspection, remedy, enforcement or action.

Imminent danger

(3) The court may hear the application without notice to any person if, in its opinion, there is imminent danger to public health or safety or it is warranted by extraordinary circumstances.

Designated officers

158. (1) A hamlet may, by resolution, designate an officer to issue orders under this section.

Remedying a dangerous contravention

(2) If the designated officer finds that a person is contravening any bylaw or any enactment that the hamlet is authorized to enforce and the contravention poses an imminent danger to public health or safety, the officer may, by written order, direct the person to take any action or measures necessary to remedy the contravention, including the removal or demolition of a structure that has been erected or placed in contravention of a bylaw, and to prevent a reoccurrence of the contravention.

Remedying a dangerous structure, excavation or hole

(3) If the designated officer finds a structure, excavation or hole that is dangerous to public safety or property, the designated officer may, by written order, require the owner of the structure, excavation or hole to eliminate the danger in the manner specified, remove or demolish the structure or fill in the excavation or hole and level the site.

Compliance conditions

(4) An order made under this section may

(a) state a time within which the person must comply with the order; and

(b) state that if the person does not comply with the order within the specified time, the hamlet will take a specified action or measure at the expense of the person.

Service of order

(5) The order must be served personally or, if personal service cannot be made because the address of the person is not known, notice of the order may be published twice in a newspaper having general circulation in the municipality or in the Northwest Territories.

Request for hearing by council

159. (1) A person who receives a written order under section 158 may request that the council review the order by written notice within 14 days after the date the order is received, or within such longer period as is specified by bylaw.

Review

(2) After reviewing the order, the council may confirm, vary, replace or cancel the order.

Service of decision

(3) The council must serve a copy of its decision under subsection (2) on the person requesting the review, within 14 days of making the decision.

Appeal to the Supreme Court

160. (1) A person affected by the decision of a council under section 159 may appeal to the Supreme Court if

(a) the decision was not made in accordance with this Act; or

(b) the decision is patently unreasonable.

Deadline

(2) The appeal must be made within 30 days after the day the decision is served on the person affected by the decision.

Originating Notice

(3) The application for the appeal must be made by originating notice in accordance with the *Rules of the Supreme Court of the Northwest Territories*.

Appeal decision

(4) The Supreme Court may

(a) confirm the decision being appealed; or
(b) declare the decision invalid and send the matter back to the council with directions.

Application in cases of unsightly property

161. (1) If a council considers that a structure, excavation or hole is detrimental to the surrounding area because of its unsightly condition, the hamlet may apply to the Supreme Court for an order requiring the owner of the property to remedy the unsightly condition.

Power of court

(2) On application of the hamlet, the court may by order
(a) require the owner of the property to improve the appearance of the property in a specified manner, including removing or demolishing a structure, filling in an excavation or hole and levelling the site;
(b) specify a time within which the person must comply with the order; and
(c) authorize the hamlet to take the action or measure at the expense of the person, if the person does not comply with the order within the specified time.

Hamlet remedying contraventions

162. (1) A hamlet may take any actions or measures necessary to remedy a contravention of a bylaw or an enactment that the hamlet is authorized to enforce, or to prevent a reoccurrence of the contravention, if
(a) the officer designated by the council gave a written order under section 158;
(b) the order contained a statement referred to in paragraph 158(4)(b);
(c) the person to whom the order is directed has not complied with the order within the time specified in the order; and
(d) the appeal periods respecting the order have expired or an appeal was heard and the court allowed the municipality to take the actions or measures.

Closure

(2) If an order made under section 158 directs that premises be put into and maintained in a sanitary condition, the hamlet may close the premises.

Unsightly property

(3) A hamlet may take actions or measures necessary to remedy an unsightly structure, excavation or hole if
(a) the court issued an order under section 161;
(b) the order authorized the hamlet to take the action or measures if the person did not comply with the order;
(c) the person to whom the order is directed has not complied with the order within the time specified in the order; and
(d) the appeal periods respecting the order have expired or an appeal was heard and the court allowed the hamlet to take the actions or measures.

Removal of occupants

(4) A bylaw officer or other person authorized by the hamlet may use reasonable force to remove occupants from a structure being closed, removed or demolished under this section.

Collection of expenses

(5) The expenses and costs of an action or measure taken by a hamlet under this section are a debt owing to the hamlet by the person who contravened the bylaw, enactment or court order and may be recovered from the person in default by civil action for debt, or by charging it against real property of which the person is the assessed owner in the same manner as arrears of property taxes under the *Property Assessment and Taxation Act*.

Proceeds of sale

(6) If the hamlet sells all or a part of a structure that has been removed under this section, the proceeds of the sale must be used to pay the expenses and costs of the removal and any excess proceeds shall be paid to the person entitled to them.

Emergency order
163. (1) Where a council, or an officer designated by the council for this purpose, is of the opinion that there is an imminent and serious danger to public health or safety, the hamlet may take any action or measure necessary to eliminate the danger.

Applicable law
(2) This section applies whether or not the danger involves a contravention of a law.

Compulsory assistance
(3) A person may be given a verbal or written order under this section to provide labour, services, equipment or materials and, on receipt, the person shall comply with the order.

Record keeping
164. (1) A senior administrative officer shall ensure that complete and accurate records are kept in respect of
(a) tickets issued under the *Summary Conviction Procedures Act* for offences under the bylaws;
(b) payments of fines in respect of those tickets; and
(c) the disposition of those tickets.

Destruction of records
(2) A hamlet may, by bylaw, provide for the destruction of records kept under subsection (1) when they are no longer useful or required by law.

Injunction
165. (1) In addition to any other remedy available to it, a hamlet may enforce a bylaw by applying to the Supreme Court for an injunction by originating notice in accordance with the *Rules of the Supreme Court of the Northwest Territories*.

Decision
(2) The Court may grant or refuse the injunction or other order or may make any other order that it considers just.

Offences and Punishment

Offence
166. (1) A person who contravenes this Act or the regulations is guilty of an offence.

Obstructing an officer
(2) A person who wilfully obstructs or interferes with a bylaw officer, another officer of the hamlet, a municipal inspector, a municipal supervisor or a municipal administrator, in the performance of that person's duties under this Act or a bylaw, is guilty of an offence.

Punishment for offences under this Act or bylaws
167. (1) A person who is guilty of an offence under this Act, the regulations or a bylaw for which no specific punishment is provided by this Act or by a bylaw is liable on summary conviction
(a) to a fine not exceeding $ 2,000 for an individual and $ 10,000 for a corporation; or
(b) to imprisonment for a term not exceeding six months in default of payment of a fine.

Punishment for bylaw offences
(2) A hamlet may, by bylaw, provide that a person who is guilty of an offence under a bylaw is liable on summary conviction to a fine or imprisonment not exceeding the limits in paragraphs (1)(a) and (b).

Order respecting other matters
(3) In addition to any fine that may be levied, a court, subject to its jurisdiction, may order a person convicted of an offence under a bylaw

(a) to pay any fee or charge that may otherwise be payable by the person to the hamlet in respect of any licence or permit that should have been obtained by the person;
(b) to pay any costs that the hamlet is entitled to in respect of the offence; and
(c) to do or refrain from doing any activity that the court may specify.

Ownership of fines collected

(4) Subject to any other enactment, a fine or penalty collected in respect of an offence under a bylaw belongs to the hamlet.

Municipal Inspectors

Appointment

168. (1) The Minister may appoint municipal inspectors for the purposes of this Act.

Mandatory inspections

(2) The Minister may, on the Minister's own initiative or at the request of the council, direct a municipal inspector to examine or review

(a) the records, books and accounts of the hamlet;
(b) the management and administration of the hamlet; and
(c) the operations and financial affairs of the hamlet.

Report

(3) A municipal inspector shall prepare a report on his or her examinations and reviews and submit it to the Minister.

Content of report

(4) The report of a municipal inspector may include

(a) a statement describing any contravention of this Act or the bylaws of the hamlet that, in the opinion of the inspector, has occurred; and
(b) recommendations on action to be taken by the hamlet or the Minister.

Forwarding copy of report

(5) The inspector shall forward a copy of the report to the mayor, unless the Minister directs otherwise.

Powers of municipal inspector

169. A municipal inspector may

(a) inspect or require the production of any record, book, account or document of the hamlet and make copies of it;
(b) require any council member or employee or any person managing or administering money belonging to the hamlet to provide the information and explanations that are necessary;
(c) examine any council member or employee or any person managing or administering money belonging to the hamlet under oath or require that person to provide a statement under oath;
(d) enter the premises of the hamlet at any reasonable time;
(e) obtain from a bank or other financial institution any financial information it may have respecting the hamlet; and
(f) exercise the powers of a commissioner for oaths.

Ministerial Supervision and Administration

Notice of problem

170. (1) The Minister shall notify a council if the Minister believes that

(a) the hamlet is incapable of meeting its financial obligations;
(b) the hamlet is experiencing operational difficulties;

(c) the council has failed to perform a duty required of it by this or any other Act; or
(d) it is in the best interests of the hamlet that it be under the control of a municipal supervisor.

Consultation

(2) The Minister must consult with the council on the best course of action to remedy the problem.

Time limit

(3) The consultations with council must continue for at least 30 days after the notice is sent.

Decision

(4) After providing the required notice and after expiry of the 30 day consultation period, the Minister may, by order, declare the hamlet to be subject to Ministerial supervision if the Minister is of the opinion that supervision is the best course of action to remedy the problem.

Urgency

171. (1) Notwithstanding section 170, if the Minister believes that the problem referred to in subsection 170(1) is urgent and requires immediate action, the Minister may, by order made without consultation, declare the hamlet to be subject to Ministerial supervision.

Notice

(2) The Minister shall, without delay, send a copy of the order under subsection (1) to the council together with the reasons for taking immediate action.

Time limit of order

(3) An order under subsection (1) expires after 45 days, or at such earlier date as the Minister may specify.

Further action

(4) If the Minister believes that the problem referred to in subsection 170(1) will continue after the expiry of the order, the Minister may

(a) proceed to consult with the council under section 170; and
(b) with the approval of the Executive Council, renew the order under subsection (1) for one additional period not exceeding 45 days.

Supervision order

172. (1) An order declaring a hamlet to be subject to Ministerial supervision may

(a) appoint a person as a municipal supervisor to act on behalf of the Minister in supervising the hamlet;
(b) empower the municipal supervisor to supervise the affairs of the hamlet;
(c) give directions for the deposit and disbursement of money of, or received on account of, the hamlet;
(d) give directions regarding the approval and execution of bylaws, securities, debt instruments and other documents;
(e) impose such other terms and conditions or give such other directions as the Minister considers advisable; and
(f) require that the expenses incurred under the order be paid, in whole or in part, by the hamlet and be included in its operating budget.

Approval of budget and recovery plan

(2) The Minister may direct a hamlet under Ministerial supervision to submit for approval a budget or a recovery plan.

Budget or recovery plan

(3) The Minister may impose a budget or a recovery plan on the hamlet if it

(a) fails to submit the budget or plan;
(b) fails to obtain the approval of the Minister for the budget or plan; or
(c) fails in whole or in part to conduct its affairs in accordance with the order or the directions of the Minister or the person designated by the Minister.

Binding effect

(4) A budget or recovery plan imposed by the Minister becomes effective and binding upon the hamlet, its council, the senior administrative officer, and all persons interested in or affected by it, on notice to the council.

Amendment of plan

(5) After consulting with the council, the Minister may amend a budget or recovery plan imposed by the Minister.

Administration

173. (1) If the Minister is of the opinion that Ministerial supervision will not be sufficient to remedy the problem referred to in subsection 170(1), the Minister may declare the hamlet to be subject to Ministerial administration.

Administration order

(2) An order declaring a hamlet to be subject to Ministerial administration must appoint an municipal administrator for a fixed or indefinite term of office.

Effect on council members

(3) When an order declaring a hamlet to be subject to Ministerial administration takes effect, all council members are deemed to have resigned from office and the council is to remain vacant until after a new election is held under section 176.

Powers of administrator

(4) Subject to this Act, a municipal administrator may exercise the powers and shall perform the duties of a council under this Act.

Bylaws and expenditures

(5) A municipal administrator may not make a bylaw or incur an expenditure or liability on behalf of the hamlet without the approval of the Minister.

Disposal of assets

(6) A municipal administrator may dispose of such personal or real property owned by the hamlet as may be necessary to satisfy any of its outstanding debts.

Bonding

(7) A municipal administrator must be bonded in an amount determined by the Minister.

Costs of administrator

(8) The costs of a municipal administrator, including remuneration, reasonable living and travelling expenses and costs of bonding, must be paid out of the funds of the hamlet.

Books of account

(9) A municipal administrator shall

- (a) ensure that accurate books of account are kept relating to the financial affairs of the hamlet;
- (b) ensure that the books of account are open to inspection by the Minister or any person designated by the Minister;
- (c) provide to the Minister a report on the financial affairs of the hamlet, including
  - (i) a balance sheet that presents fairly the financial position of the hamlet;
  - (ii) a statement of income that presents fairly the operating results of the hamlet; and
  - (iii) such other information as the Minister may require.

Submission of report

(10) The report referred to in paragraph (9)(c) must be submitted at the end of each calendar month or at such other times as the Minister may require.

Ministerial direction
174. (1) The Minister may, by order or otherwise, direct a municipal supervisor or municipal administrator in the exercise of his or her powers or the performance of his or her duties.

Rate of tax
(2) If the hamlet under the Ministerial administration is a municipal taxing authority, the Minister shall establish the rate of tax under the *Property Assessment and Taxation Act*.

Compliance
175. (1) The hamlet and its employees shall comply with the order and any directions of the Minister and the municipal supervisor or municipal administrator, as the case may be.

Inspection of books of account
(2) The books of account of the hamlet must be open to inspection by the municipal supervisor or municipal administrator.

Revocation of order
176. (1) The Minister shall revoke an order declaring a hamlet to be under Ministerial supervision or administration if the Minister believes that the problem that triggered the order is remedied or no longer a concern.

Return of council
(2) If the hamlet was under the control of an administrator, the Minister shall in the order provide for the return of the council by establishing an election day for the election of new council members and providing for those matters required for the election as if it were the first election of a council.

Dissolution

Order to dissolve
177. The Minister may, by order, dissolve a hamlet if he or she is satisfied that
(a) the hamlet is unable to continue in operation for financial or other reasons; and
(b) due provision has been made for winding up the affairs of the hamlet, the payment of all its debts and the satisfaction of all its obligations.

Liquidator
178. (1) The Minister may appoint a liquidator to
(a) wind up the affairs a hamlet that is to be dissolved;
(b) pay its debts;
(c) satisfy its obligations; and
(d) transfer its assets.

Transfer of assets
(2) The assets of a dissolved hamlet must be transferred to the Government of the Northwest Territories on the terms and conditions that the Minister may require.

Ownership of revenues
(3) Revenues of a dissolved hamlet not yet received by it belong to the Government of the Northwest Territories and may be collected accordingly.

PART VII GENERAL AND TRANSITIONAL

General Matters

Order varying time
179. The Minister may, by order, vary the time required by this Act for the doing of any thing, whether the time has made or not, if the thing cannot or has not been done.

Public notice

180. (1) When public notice is required under this Act, the notice must be given to the general public in one or more of the following ways:

(a) by inserting the notice at least once in a newspaper circulating in the municipality;

(b) by mailing or delivering a copy of the notice to each adult resident in the municipality;

(c) by causing announcements to be made on a radio or television station received in the municipality on at least three separate days; or

(d) by posting a notice in at least five widely separated and conspicuous places in the municipality.

Documents available to the public

(2) When a document is to be made available to the public under this Act, the document must be accessible to any person in a conspicuous place in the offices of the hamlet during the normal working hours of the hamlet.

Appointment of designates

181. The Minister may appoint one or more designates for the purpose of receiving any documents, notices or other items on behalf of the Minister that are required to be submitted or provided to the Minister under this Act.

Regulations

182. The Commissioner, on the recommendation of the Minister, may make regulations

(a) prescribing the forms that are necessary or advisable in carrying out the provisions of this Act; and

(b) prescribing any matter or thing that by this Act may or is to be prescribed.

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